

## **ORDINANCE 2013-01**

### **AN ORDINANCE LIMITING ROAD ACCESS FOR COMMERCIAL AGRICULTURAL EQUIPMENT WITHIN SUBDIVISIONS LOCATED IN THE VILLAGE OF COMMERCIAL POINT, OHIO AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the Village of Commercial Point, Pickaway County, Ohio is permitted under Ohio law to adopt and establish regulations for limits and/or restrictions on designated streets and to further provide for penalties for the violation of these limits or restrictions; and

**WHEREAS**, The Village of Commercial Point expends considerable public funds on maintenance of its road network. This ordinance is enacted to assure preservation of our road network and to prevent damage to the roadways caused by commercial agricultural vehicles and/or equipment. Additionally, limit damage caused by excessive weight, to lessen safety hazards, the risk of injury to the traveling public, to extend the life expectancy of Village roadways, and to reduce the public expense of their maintenance and repair.

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Village of Commercial Point, County of Pickaway, and State of Ohio as follows:

**SECTION 1.** No commercial agricultural vehicles and/or equipment shall be operated, or in any other manner used, upon **any and all** streets located within a subdivision in the Village of Commercial Point.

**SECTION 2.** The provisions of this Ordinance are severable, and if any provisions of this Ordinance or the application thereof are held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

**SECTION 3. Exemptions:**

- (a) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Village of Commercial Point;
- (b) Any emergency vehicle (such as firefighting apparatus or ambulances) while training or responding to an emergency;

**SECTION 4. Village Construction:** Nothing contained in this ordinance shall restrict the use of snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks or other construction or maintenance equipment when used by the Village, in the construction or the maintenance of any street, provided that such construction or maintenance is performed by persons employed by or under contract with the Village of Commercial Point, for such purpose.

**SECTION 5. Penalty:** Whoever shall fail to comply with any provision of this ordinance shall be guilty of a violation and subject to fine of \$250.00 for a first occurrence, and \$500.00 for any subsequent occurrence.

**SECTION 6. Administration and Enforcement:** This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as law enforcement officer).

**SECTION 7:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 8:** That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage by Council and approval by the Mayor.

Vote on Suspension of Readings:

Motion by: Mr. Shelton 2<sup>nd</sup> Ms. Gooden-Kinney

Roll Call:

<u>Yes</u> Randy Shelton	<u>Yes</u> Clarence Wissinger	<u>Yes</u> Jason Thompson
<u>Absent</u> Vidal Cruz	<u>Yes</u> Kimberly Gooden-Kinney	<u>Yes</u> Nicole Evans

Vote on Passage of the Ordinance and Declaring an Emergency:

Motion by: Ms. Gooden-Kinney 2<sup>nd</sup> Mr. Shelton

Roll Call:

<u>Yes</u> Randy Shelton	<u>Yes</u> Clarence Wissinger	<u>Yes</u> Jason Thompson
<u>Absent</u> Vidal Cruz	<u>Yes</u> Kimberly Gooden-Kinney	<u>Yes</u> Nicole Evans

Adopted this 22 day of April, 2013.

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Joe Hammond, Mayor

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Wendy Hastings, Fiscal Officer

Approved as to Form:

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Michael D. Hess, Law Director