

ORDINANCE NO. 2021 - 08

**LEWISBURG, OHIO, ORDINANCE GRANTING AUTHORITY/CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, VILLAGE CORPORATE LIMITS, AND FURTHER GIVING CONSENT OF SAID VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND FURTHER, GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS**

That Whereas, the Ohio Director of Transportation, under Section 5521.01 of the Ohio Revised Code, is authorized upon request and approval of the legislative authority of a Village to maintain, repair, and apply standard longitudinal pavement marking lines and to erect regulatory and warning signs, as defined in the manual adopted under Section 4511.09 of the Ohio Revised Code on any section of a State Highway within the corporate limits of a Village;

And Whereas, the Ohio Director of Transportation, under Section 5501.41 of the Ohio Revised Code, may, upon consent of the legislative authority of a Village, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of a Village pursuant to a written agreement to be entered into between the Village and the Ohio Department of Transportation;

And Whereas, the Ohio Director of Transportation, under Section 5511.01 of the Ohio Revised Code, may, upon the consent of the legislative authority of a Village, perform maintenance and/or repair on the State Highways within the corporate limits of a Village pursuant to a written agreement to be entered into between the Village and the Ohio Department of Transportation;

And Whereas, State Highway Nos. US 40 and State Route 503 lie within the Village of Lewisburg, Preble County;

And Whereas, the work proposed to be authorized under this Ordinance shall be restricted to the application, maintenance, and repair of standard longitudinal pavement markings and the erecting of regulatory and warning signs, and may include if an Agreement is entered into, the removal of snow and ice and the use of snow and ice control material on State Highways within the corporate limits of the Village, but shall not include the removal of snow and ice and the use of snow and ice control material on driveways, parking areas, and intersecting roads and streets, and may include, if an Agreement is entered into, the maintenance and/or repair of the State Highways within the corporate limits of the Village;

And Whereas, this Ordinance shall not relieve or discharge the Village from responsibility for emergency repair of signs installed by the Ohio Department of Transportation;

And Whereas, this Ordinance shall not relieve or discharge the Village from any claim or claims of any nature arising from, or growing out of, the work by the Ohio Department of Transportation on said highways in the Village, and the Village shall save the State of Ohio harmless from any and all such claims.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, AS FOLLOWS:**

**Section 1.** It is hereby declared to be in the public interest that the consent of said Village of Lewisburg, Ohio, be, and such consent is hereby given to the Department of Transportation of the State of Ohio for said Department to apply standard longitudinal pavement markings, and to erect regulatory and warning signs on said State Highways in accordance with the standard practices of the Ohio Department of Transportation.

**Section 2.** It is hereby declared to be in the public interest that the consent of said Village be, and such consent is hereby given to the Department of Transportation of the State of Ohio, if an agreement is entered into, for said Department to remove snow and ice and use snow and ice control material on any State Highways listed in the agreement in accordance with the standard practices of the Ohio Department of Transportation.

**Section 3.** It is hereby declared to be in the public interest that the consent of said Village be, and such consent is hereby given to the Department of Transportation of the State of Ohio, if an agreement is entered into, for said Department to perform certain maintenance and/or repair on any State Highways listed in the agreement in accordance with the standard practices of the Ohio Department of Transportation.

**Section 4.** That the Village Municipal Manager is authorized to enter into any agreement with ODOT for the removal of snow and ice and the use of snow and ice control material on said State Highways within the corporate limits of the Village and any agreement with ODOT for certain maintenance and/or repair of the State Highways within the corporate limits of the Village.

**Section 5.** That the Clerk of Council is hereby directed to furnish the Ohio Director of Transportation and the Board of County Commissioners of Preble County, Ohio, with a certified copy of this Ordinance immediately upon execution.

**Section 6.** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Dated: 07-15-2021

Marsha Jones  
Mayor

Attest: Elizabeth A. Wagner  
Clerk of Council

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