

ORDINANCE ENACTING AN ORDER OF THE CITY OF
MARION COUNCIL PROHIBITING COMPANIES OPERATING A
RAILROAD FROM CLOSING MORE THAN THREE GRADE
CROSSINGS SIMULTANEOUSLY TO BE KNOWN AS § 654.04
WITHIN CHAPTER 654 OF THE CITY CODE, AND DECLARING AN
EMERGENCY

WHEREAS, the City of Marion, its residents, and the general traveling public have been faced with multiple railroad grade crossing closures at the same time causing delays in response time for public safety forces, public transportation, school transportation, mail delivery, public service operations, and unwarranted congestion on local streets, and

WHEREAS, ORC 4955.20 states, Companies operating a railroad in this state shall build and keep in repair good and sufficient crossings over or approaches to such railroad, its tracks, sidetracks, and switches, at all points where any public highway, street, lane, avenue, alley, road, or pike is intersected by such railroad, its tracks, sidetracks, or switches. Such companies shall build and keep in repair good and sufficient sidewalks on both sides of streets intersected by their railroads, the full width of the right of way owned, claimed, or occupied by them. The board of township trustees shall have power to fix, and determine the kind and extent, and the time and manner of constructing, crossings and approaches outside of municipal corporations.

The legislative authority of a municipal corporation may exercise the same powers as to crossings, approaches, and sidewalks within municipal corporations as such board exercises concerning crossings and approaches outside of municipal corporations. Such crossings, approaches, and sidewalks shall be constructed, repaired, and maintained by the railroad companies as so ordered, and

WHEREAS, ORC 4955.21 states, The officers having charge of a public highway, street, or alley intersected by a railroad shall serve a written notice upon the nearest station agent or section foreman having charge of that portion of the railroad where such intersection occurs that the crossing, approach, or sidewalk described in section 4955.20 of the Revised Code must be built or repaired, setting forth its kind and extent and the time and manner of constructing it, as ordered by the legislative authority of the municipal corporation or board of township trustees. A railroad company so notified must comply with such notice within a period of thirty days after receiving it. On failure to do so, the board or legislative authority may cause such crossing, approach, or sidewalk to be constructed or repaired as ordered, and recover the cost of so doing with interest in a civil action against the railroad company in the name of the board or municipal corporation.

BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County,

Section 1. The Council enacts § 654.04 within Chapter 654 of the City Code as follows: 654.04 (A) It is the Order of the Council for the City of Marion, Ohio no operator of a railroad shall simultaneously close more than three (3) railroad grade crossings at one time within the City of Marion.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: Due to the real and present danger associated with delays in first responder's response time; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council