

## 150.224 Treelawn landscaping or plantings

### A) Permitting

- a. The term “treelawn” for the purposes of this section of the Code shall mean any unpaved area within the Village Right of Way (whether there is a sidewalk on not).
- b. Submit a Right of Way Permit Application to Village Clerk (with fees and deposit).
- c. Submit neat drawings of proposed plantings and features. Show distance from intersections, hydrants, drives etc. Provide data sheets for proposed trees/plantings.
- d. A Zoning Permit is not required.
- e. The Village Engineer and Planning Commission review the application.

### B) Village Fees

- a. Right of Way Permit Application fee and other fees/deposits described in the latest Village of Mogadore *Permits and Approvals Fee Schedule* required with application submittal.

### C) Village Standards

- a. Many of the Village streets include storm/pavement subgrade drains behind the curb. The tendency of roots to migrate into and plug drains may be cause for the denial of requests to plant trees or vegetation within the tree-lawn (devil’s strip).
- b. No trees except those hereafter designated shall be planted in a “devil strip”. Trees permitted: Trident Maple (*Acer buergerianum*), Amur Maple (*Acer ginnala*), Paperback Maple (*Acer griseum*), Tatarian Maple (*Acer tataricum*), Red Buckeye (*Aesculus pavia*), Serviceberry – tree form (*Amelanchier* sp.), Lavalley Hawthorn (*Crataegus x lavalleyi*), Green Hawthorn (*Crataegus viridis* ‘Winter King’), Amur Maackia (*Maackia amurensis*), Crabapple (*Malus* sp. – oval or upright forms and cultivars only), Persian Parrotia – tree form (*Parrotia persica*), Japanese Tree Lilac (*Syringa reticulata*).
- c. No trees or vegetation, whether mentioned in this section or not, shall be allowed to grow or develop or be placed in such a way as to intrude upon, impede, or obstruct the sidewalk, the pavement, the safe travel of motor vehicles or pedestrians.
- d. The village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- e. *Corner clearance.* At any corner, no obstruction to view in excess of two feet in height shall be placed within a triangle formed by the street right of way lines and a line connecting them at a point 30’ from the intersection of said right of way lines. Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street

intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk and a clear space of 12 feet above the portion of a street outside the curb or that portion of a street or right-of-way subject to vehicular traffic. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street lights, interferes with the ability of drivers to see other drivers or pedestrians or interferes with visibility of any traffic-control device or sign.

- f. *Dead or diseased tree removal on private property.* The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the village. The Clerk-Treasurer will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of the removal on the owner's property tax notice.
- g. *Removal of stumps.* All stumps shall be removed below the surface of the ground to facilitate landscaping.
- h. Disturbed areas shall be repaired with a minimum of 3" of screened topsoil, a high quality residential seed mix, mulching and watering/fertilizer as needed to ensure full germination within 60 calendar days.

#### D) Inspections

- a. The Village Zoning Inspector and/or the Village Engineer will inspect the work. Unacceptable plantings or landscaping must be addressed by the property owner. Failure to correct unacceptable plantings will result in a loss of deposit and may result in the removal and restoration of the treelawn by Village forces.
- b. Refer to Section 93.60 of the Mogadore Village Code regarding the maintenance of vegetation adjacent to roadways.

# VILLAGE OF MOGADORE

## RIGHT-OF-WAY PERMIT

135 S. Cleveland Ave., Mogadore, OH 44260  
Phone: 330-628-4896 Fax 330-628-5850



DATE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

CONTRACTOR ADDRESS: \_\_\_\_\_

TYPE AND LOCATION OF WORK: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ANTICIPATED START DATE: \_\_\_\_\_ ANTICIPATED COMPLETION DATE: \_\_\_\_\_

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VILLAGE COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

APPROVED: \_\_\_\_\_ PERMIT #: \_\_\_\_\_ DATE: \_\_\_\_\_

FEE: \_\_\_\_\_ DEPOSIT: \_\_\_\_\_ PAID: \_\_\_\_\_

INSPECTED: \_\_\_\_\_ DATE: \_\_\_\_\_

NOTE: VILLAGE INSPECTION FEES MAY BE REQUIRED. INSPECTION IS BASED ON THE TYPE AND DURATION OF THE WORK BEING PERFORMED. PLEASE ASK TO SEE IF INSPECTION WILL BE REQUIRED.

NOTE: PAGE 2 MUST BE COMPLETED FOR ALL WORK REQUIRING EXCAVATION.

**RIGHT-OF-WAY PERMIT  
ROAD OPENING INFORMATION**



IF THE PROPOSED RIGHT-OF-WAY WORK REQUIRES EXCAVATION, THE FOLLOWING INFORMATION MUST BE COMPLETED.

EXCAVATION TO BE \_\_\_\_\_ FEET LONG BY \_\_\_\_\_ FEET WIDE BY \_\_\_\_\_ FEET DEEP

EXCAVATION TO BEGIN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ AND WILL TAKE \_\_\_\_\_ DAYS

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Application is made for permission to work within a Village Right of Way as indicated and in accordance with the following conditions:

1. The applicant agrees to keep this permit on the work site and notify the Village a minimum of 48 hours in advance of any work. The applicant also understands that it is solely responsible to notify OHIO811 a minimum of 48 hours in advance of any excavation.
2. The applicant acknowledges that it is solely responsible to return the affected area to its original condition as soon as reasonably possible.
3. That all work shall be done in accordance with Village rules and regulations; shall be first class in every manner and subject to village inspection and to the approval of authorized officer of the Village of Mogadore. All materials and work to conform to Mogadore's standard road details.
4. All excavations will be backfilled and a temporary or the final pavement installed the same day as the original opening, steel plates may be used to protect the excavation if the final pavement is installed the day following the original opening.
5. Applicant must submit a proposed traffic control plan in accordance with the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways. Coordinate daily traffic activities with the Village Fire Department. The work be protected with bracing, barricades and lights and that the applicant hereunder shall save the Village and its agents harmless from any and all damage or injury resulting from the prosecution of the work.
6. Road openings must commence within ten (10) days of the approved permit and the roadway may not be open for more than five (5) days.
7. That the applicant waive any and all damage he may sustain by reason of the work allowed under this permit.
8. Notify the utility owner when ready to make sanitary, gas, water or storm sewer tap and do not cover work until it has been inspected and approved.
9. Contact the Akron Water Department at 330-375-2554 to request a new water service and an inspection (unless a well will be installed).
10. Contact the Summit County Department of Sanitary Sewer Services at 330-926-2414 to obtain a sanitary sewer permit and coordinate the required inspection.
11. The Village must be present to observe storm sewer connections as well as the backfilling, compaction, and pavement replacement operations for all work within the Right of Way.
12. Water and sewer service lines must be ten (10) feet apart.
13. Failure to observe these rules will result in forfeiture of permit and remedy of conditions by Village's forces at owner's expense.
14. A deposit is required per the Village Schedule of Fees. Additional deposits may be required by the Engineer based on the type of work.
15. The applicant understand that this work is being completed within the Village right-of-way, as such, the applicant understands that the Village maintains the right to remove, alter, or otherwise disturb this area for any reason.

APPLICANT SIGNATURE: \_\_\_\_\_