

RECORD OF ORDINANCES

Ordinance No. 2024-31

Passed MAY 1, 2024

SPONSOR: STREETS COMMITTEE

AN ORDINANCE AMENDING SECTION 150.224 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “TREELAWN LANDSCAPING OR PLANTINGS” TO CLARIFY THE VILLAGE’S AUTHORITY TO REMOVE DEAD, DISEASED OR DANGEROUS TREES AND LIMBS, AND DECLARING AN EMERGENCY.

WHEREAS, Section 150.224 of the Codified Ordinances of the Village provides for the removal of dead, diseased or dangerous trees and limbs in certain situations; and

WHEREAS, the Village desires to have clarity and consistency surrounding the situations when the Village may remove dead, diseased or dangerous trees and limbs; and

WHEREAS, the Mayor has proposed amending Section 150.224 as set forth on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Section 150.224 as set forth in the attached Exhibit A.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: Section 150.224 of the Codified Ordinances of the Village is hereby amended as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 2: Any prior Ordinances adopted by this Council, or any provisions thereof, that are in conflict with Section 1 of this Ordinance are hereby rescinded and repealed in their entirety.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately providing the Village with clear authority to remove dead, diseased or dangerous trees and limbs in the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Michael Roddick 5-1-24  
President of council Date

Rich 5-1-24  
Mayor Date

Attest:

[Signature]  
Clerk-Treasurer

## EXHIBIT A

### Ordinance No. 2024-31

#### 150.224 TREELAWN LANDSCAPING OR PLANTINGS.

- (A) Right-of-way permit application (to allow work within village R/W).
- (1) 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).
  - (2) Submit a right-of-way permit application to Village Clerk (with fees and deposit).
  - (3) Submit neat drawings of proposed plantings and features. Show distance from intersections, hydrants, drives etc. Provide data sheets for proposed trees/plantings.
  - (4) A zoning permit is not required.
  - (5) The Village Engineer and Planning Commission review the permit application.
- (B) Village fees. Right-of-way permit application fee and other fees/deposits described in the latest Village Permits and Approvals Fee Schedule required with application submittal.
- (C) Village standards.
- (1) 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).
  - (2) 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*).
  - (3) 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.
  - (4) 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.
  - (5) 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 feet 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 dead, broken, ~~or~~ decayed or dangerous 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 light, interferes with the ability of drivers to see other drivers or pedestrians or interferes with visibility of any traffic-control device or sign.

- (6) Dead, ~~or~~ diseased or dangerous tree or limb removal on private property. The village shall have the right to cause the removal of any dead, ~~or~~ diseased or dangerous trees or dead, broken, decayed or dangerous limbs on private property within the village, when such trees or limbs 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 or Zoning Inspector will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 45 ~~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.
- (7) Removal of stumps. All stumps shall be removed below the surface of the ground to facilitate landscaping.
- (8) Disturbed areas shall be repaired with a minimum of three inches of screened topsoil, a high quality residential seed mix, mulching and watering/fertilizer as needed to ensure full germination within 60 calendar days.