

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 26-100

ADOPTED: 05/12/2026

SUBJECT: Jackson Township Tree and Right of Way Rules and Regulations

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 12th day of May 2026 with the following members present:

Todd J. Hawke
Justin B. Hardesty
John E. Pizzino

Trustee Hawke moved for the adoption of the following resolution:

BE IT RESOLVED THAT, pursuant to ORC Sections 5571.02, 5571.14, 5543.14, 4511.68 and 505.87 the Board of Trustees of Jackson Township, Stark County, Ohio hereby adopts and approves the attached Tree and Right of Way Rules and Regulations, effective May 18, 2026.

Trustee Pizzino seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>yes</u>
Mr. Hardesty	<u>yes</u>
Mr. Pizzino	<u>yes</u>

The foregoing is a true and correct counterpart of Resolution Number 26-100, duly adopted on May 12, 2026, and filed with me as the Township Fiscal Officer on May 13, 2026.


Kody Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:


Michael B. Vaccaro, Law Director

JACKSON TOWNSHIP TREE AND RIGHT OF WAY RULES AND REGULATIONS

SECTION 1: PURPOSE

The purpose of these rules and regulations is to protect the health, safety and welfare of the traveling public and establish criteria and procedures for inspection and maintenance of tree lawns and other road right of way in accordance with Sections 5571.14 and 505,87 of the Ohio Revised Code.

SECTION 2: DEFINITIONS

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

A. "Owner" and/or "Property Owner" means:

- (1) Means the person, firm, entity or corporation owning or agent having the care of any premises and or land abutting on any public street, lane, alley or highway in the unincorporated area of Jackson Township, Stark County, Ohio, or,
- (2) In the case of land, any Person who is recorded on the tax records as: the Owner of the land; or the Owner of land abutting any easement or right-of-way in which a street tree is located, public street, lane, alley or highway in the unincorporated area of Jackson Township, Stark County, Ohio easement or right-of-way in which a street tree is located, or,
- (3) In the case of property other than land, any person who is in lawful possession thereof, or

B. "Nuisance tree or hazard tree" means any tree, shrub, bush or woody vegetation that obstructs street lights, traffic signs, the free passage of pedestrians or vehicles, interferes with utility lines and facilities within public rights-of-way or a tree that poses a threat to public health, safety or welfare.

C. "Person" includes any individual, corporation, business, legal entity, society, association, condominium association, homeowner association, partnership or firm and the successor or the heir, executor, administrators or other legal representatives of a Person.

D. "Director" means the Jackson Township Public Works Director or its designee.

E. "Tree" means a woody perennial plant typically having a single stem or trunk that is greater than three (3") inches in diameter and growing to a considerable height bearing lateral branches. In addition, younger plants that

will reach three (3") inches or greater in diameter at breast height as they mature.

- F. "Right of Way" denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, sidewalk, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state, county or township.
- G. "Tree lawn or devil's strip" and "street tree" means the grassy area located between the roadway and sidewalk which is part of the road right of way.
- H. "Utility" means any water, sanitary sewer, storm sewer, gas, electric, or telecommunication pipe, conduit, fiber, cable or conduit located under or above ground.

SECTION 3: RIGHT OF WAY TRIMMING OR TREE REMOVAL PROCEDURE

- A. Under the provisions of the Ohio Revised Code, Section 5571.14, the board of township trustees or Public Works Director may, by resolution, order the trimming or removal of trees and other objects in the road right of way, or abutting the road right of way, and may assess all, or any part of the cost against abutting Property Owners, provided that notice to the owner of the land by personal service, or certified mail if the owner is a resident of the township or by certified mail if a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once on the web site and social media account of the township. The notice shall state the intention of the board of township trustees to trim or remove trees in the road right of way or tree lawn, fixing a date for a hearing on them. In addition to the requirements of other applicable statutes or resolutions, every Property Owner of real estate in the Township abutting a roadway or public right-of-way, shall be required to maintain their trees lawns in good condition.
- B. The Director shall be responsible for carrying out the provisions of these rules and regulations. The Director is hereby further authorized to promulgate and amend the rules and regulations consistent with the requirements and provisions to carry out the intent and purpose of this policy.
- C. The Director shall inspect the tree lawn and road right of way throughout the Township at reasonable intervals and require trimming or removal of those tree lawn trees and unauthorized objects in those areas of the Township where a danger or hazard exists to the public traveling within the public right of way.

- (1) A tree or other object in the tree lawn or road right of way shall be trimmed or removed when the Director or his appointee determines any of the following conditions are present:
- a. The tree or branches interfere, obstruct, endanger, or have the potential to endanger travel on a public road within the Township; or
 - b. More than 50% of the tree is damaged; or
 - c. If there is tree trunk damage consisting of cracks and or seams, evidencing weakness in the tree trunk or major branches of the tree; or
 - d. If there are dead branch stubs and large older wounds that suggest internal decay: where
 - e. more than one-third of the interior of the tree is hollow or rotted; or
 - f. if the tree has been determined to have a threatening fungus, disease, or invasive pest; or
 - g. if the tree roots are weakened creating a lean of more than 15% from vertical; or
 - h. if the tree is found to be structurally unsound due to damage from storm, extensive decay, or other reasons;
 - i. if the tree or other object obscures a stop sign, crosswalk sign, or other critical traffic sign; or
 - j. if a tree or other object blocks the line of sight at an intersection.
 - k. if a tree or other object interferes with road maintenance or snow and ice removal; or
 - l. If a tree or other object has been replanted or replaced in the tree lawn after removal by the township.

(2) Upon such determination, the Owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which it relates, and a copy of such notice shall be published once on the website and social media account of the township. Said trimming or removal of the tree or object from the tree lawn or other object shall be made within thirty (30) days from the giving of notice when such notice is not returned undelivered or within thirty (30) days following the period of publication or from the date of posting of notice on the property, unless extension(s) are granted by the Supervisor due to inclement weather or other unforeseen circumstance.

(3) Property Owners given notice to trim or remove a trees or other objects from

tree lawn and/or road right of way shall have the following two options:

- a. The Property Owner may contract with a third-party private contractor at his/her own expense to have the trimming or removal performed; or
- b. If, after the giving of the notice to the Property Owner, the trimming or removal of said tree or object from the tree lawn and/or road right of way is not made by the Owner, the Director shall order the trimming and/or removal of the tree or object from the tree lawn and/or road right of way under contract of the Township as hereinafter provided. The trimming or removal shall be supervised by the Director, or designee.
- c. Upon completion of such work by the Township, a statement by the Director shall be forwarded to the Owner at his tax mailing address as shown in the records of Stark County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such Owner or his agent as evidenced by the postal return thereon, it shall then be published once on the website and the social media account of the township. The statement shall include the cost of removal and/or trimming, the cost of the notices, and all other necessary expenses. The Owners shall thereafter have thirty days during which to pay such expense, and if it is not paid at the expiration of the thirty (30) day period, the cost shall thereupon constitute a lien upon the lots and lands so benefited and a tax is levied, therefore. The Fiscal Officer upon approval by the Board of Trustees shall certify such tax lien to the County Auditor under Section § 5571.14 of the Ohio Revised Code.
- d. This policy applies to all Street Trees outside of the public right of way, located on private property, but encroach upon or have the potential to endanger the public within the public right of way, to include all Property Owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the Township and the County.
- e. The Township will not replace trees or objects tree lawn removed in accordance with this policy. If the Property Owners wish to replace trees required to be removed in accordance with this policy, they do so at their own risk and are solely responsible for the maintenance, damage to sidewalks and liability associated with those trees and objects.
- f. In situations in which a trunk of a tree or other object is located within the public right-of-way has the conditions or presents the problems described above in Section C, the Township will remove the tree or object at public expense after giving seven (7) days' notice of the adjoining Property Owner of its intent to remedy the situation.

SECTION 4: PROHIBITION TO PLANTING TREES IN THE RIGHT OF WAY AND TREE LAWNS

- A. Property Owners abutting a road right of way and tree lawn are prohibited from planting trees, shrubs or other vegetation, other than natural turf, along or in the road right of way and tree lawn areas abutting their property.

SECTION 5: PROHIBITION TO PARKING ON TREE LAWNS AND SIDEWALKS

- B. No person shall stand or park a trackless trolley or vehicle in violation on Ohio Revised Code Section 4511.68 to include but not limited to, on a sidewalk and tree lawn located in the road right of way.