

## **Private Property Tree Care Rights and Responsibilities:**

*Guidelines based on common law, through court issued decisions over time*

Occasionally, questions about trees on private properties arise. It is recommended that neighbors try to work together, communicate, and if possible, share costs and responsibilities for trees that span their common yards. This is especially true where a tree trunk may be on the property boundary, or where the boundary is not exactly clear.

Common Questions:

- **My neighbor's tree has a limb that is on my property. Can I trim it back?**

A property owner may trim or prune any naturally growing landscaping that is on their property, including branches of trees or bushes hanging over their property, even if the tree trunk or bush is located on another property. Trees and bushes may be trimmed right up to the property line.

**Note:** Trimming to endanger the health or safety of the tree is not permitted; thus, it may not be done in such a manner or extent to effectively kill the tree or bush, or destabilize it so it is more likely to fall over.

- **Who is responsible for trimming the branches that hang over my property, from a tree in my neighbor's yard?**

A property owner is responsible for trimming branches overhanging their property, and for any limbs and/or tree trunks that fall on their property, even if it comes from a neighboring property, and for any damage that they may do in the act of falling. This responsibility includes the activity to trim, remove, repair damaged property, and to bear the costs.

This means that a property owner is NOT responsible in general for any tree and tree limbs that overhang another property, or that fall from their property onto another property, even if the limbs or trunk damages their neighbor's property while falling.

**Note:** These general statements about responsibility do not apply if the owner of the property where the tree (trunk) is located knows or should know that the tree is diseased or has been injured or destabilized to such an extent that it represents a hazard of falling and causing damage or injury. So there is some responsibility to actively have trees inspected and maintained and to take action promptly if one becomes aware of any problem with a tree that is reasonably likely to cause damage or injury—above and beyond the normal risks that exist with every tree.

For questions about trees, contact Patrick Neville, Superintendent of Forestry for the City of Shaker Heights, Department of Public Works at 491-1490 or by email at [Patrick.Neville@shakeronline.com](mailto:Patrick.Neville@shakeronline.com).