



YOUR TREE QUESTIONS ANSWERED

**Parma Heights City Hall
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Here in Parma Heights we are blessed with nearly every resident being within a half-mile of a park and the beauty of nature. In some neighborhoods, we also have mature trees in abundance on tree lawns and on private property. Although they are beautiful and provide cooling shade, questions sometimes arise as to what is expected by residents and the city with regard to their care and proper maintenance. Here's a collection of the most frequent questions we get on this important topic.

WHO'S RESPONSIBLE - CITY OR RESIDENT?

The city is only responsible for municipally-owned or maintained trees.

Under the city's code, the property owner is required to properly maintain their trees. All issues involving trees strictly on private property should be resolved by the affected owners. The city has no obligation to remedy private tree-related nuisances. The city may, at its discretion, provide a homeowner with an assessment if the tree in question directly abuts a public right-of-way – such as a sidewalk or street. Although the city is permitted and at times exercises its authority to do so, the city will not ordinarily examine, cite, maintain or remove trees that are not on city property.

WHAT IF A PRIVATELY-OWNED TREE DAMAGES PROPERTY?

The liability for damage caused by a fallen trees or limbs is normally determined by traditional legal principles of negligence. Under most circumstances, the responsibility for clearing the debris and fixing property rests with the owner of the property on which the debris landed.

That is why it is important that if you think that a neighbor's tree is putting your property or your person at risk, you give your neighbor notice of the situation. This can usually be done with a polite letter or other notification. It may be helpful to rely on the advice of a trained tree professional – that you have hired – to view the tree in order to substantiate your concerns.

BUT WHAT IF THE TREE IS ON THE BOUNDARY BETWEEN TWO SEPERATELY-OWNED PROPERTIES?

In Ohio, when part of a neighboring landowner's tree straddles the property boundary of a property owner, that owner ordinarily has the right to cut the tree limbs, branches and roots back to the property line – provided the overall health of the tree will not be affected.

Keep in mind that the best outcome with a situation like this is usually obtained by civil communication between the property owners before any cutting has taken place.

A tree whose trunk rests across a property line is, in Ohio, commonly owned by all adjoining landowners. When this situation occurs, one person cannot remove or trim it in such a way that would result in harm to the tree. Also – even if a tree rests solely on one neighbor’s property, if you and your neighbor have formally agreed, or treated the tree in such a way as to suggest, that the tree is commonly owned, then the tree may be considered legally owned by all involved parties.

Tree ownership must be determined privately by a qualified surveyor or by agreement of the affected property owners. The city will **not** participate in determining the ownership of a tree unless it appears to be on city property.

BUT WHAT IF WE JUST CAN’T AGREE?

The dispute is a private civil issue and either party may want to consider consulting an attorney.

BUT WHAT IF I THINK THE TREE IS CITY-OWNED?

If you have concerns about the health of a tree on city property or on a tree lawn, please contact the Service Department at 440.884.9607 or at service@parmaheights.us.

WHO WILL HELP ME WITH TREE MAINTENANCE?

If you need to do maintenance or removal that goes beyond the scope of normal yard work, we strongly suggest and encourage you to contact a qualified tree service, including one of the several that have already registered as tree service contractors with the city. A complete list can be found by contacting the Building Department at 440.884.9607 or at building@parmaheightsoh.us.

And be sure you ask to see proof of the service’s insurance.