Trees in Lakewood

Lakewood prides itself on its abundance of homes and trees. But in a community with one of the highest population densities of any U.S. city its size, Lakewood's residents live in close proximity to one another — and combined with the age of many trees in Lakewood, this often results in confusion or conflict surrounding the care and responsibility for those trees.

WHEN TREE ISSUES ARISE

Lakewood residents frequently have questions about who owns a given tree, who has the rights and responsibilities to maintain or remove trees, and who is potentially liable for trees that may cause or have caused injury or damage. The City of Lakewood realizes that these become more difficult questions when it is uncertain if a tree is on public or private property, or when a tree appears to lie on the border of two properties.

We are pleased to provide you with some information to help clarify and resolve any questions or concerns that you may have regarding tree issues in Lakewood. Please read on.

Q: WHAT'S THE CITY'S ROLE?

A: Property owners are required to maintain their trees under our code, but the city's involvement in tree issues is ordinarily limited to municipally-owned or -maintained trees. It does not normally extend to privately-owned trees. The city has no obligation to cite or remedy private tree-related nuisances. The city may, at its discretion, occasionally provide assessments of trees when those trees directly abut a public right of way (such as a sidewalk, tree lawn or street). Although it is permitted and sometimes exercises its authority to do so, the city will not ordinarily examine, cite, maintain or remove trees that are clearly not city property, even if they are near a public right of way. Therefore, all issues involving trees strictly on private property should be resolved by the affected owners.

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LAKEWOOD OHIO

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Q: WHO'S RESPONSIBLE WHEN A PRIVATELY-OWNED TREE OR PART OF IT DAMAGES PROPERTY?

A: Liability for damage caused by fallen trees or limbs of tree is normally determined by traditional legal principles of negligence. Ordinarily, when a tree or limb falls, the responsibility for clearing the debris and fixing property rests with the owner of the property onto which the debris landed.

If you believe that a neighbor's tree is putting your property or persons on it at risk, you may wish to give your neighbors notice of the situation. This can be accomplished by politely advising them by letter or other writing. You may wish to rely on the advice of a trained tree professional you've hired to view the tree in order to give more weight to your opinion.

Q: HOW DO I HANDLE A TREE THAT STRADDLES THE BOUNDARY BETWEEN MY AND MY NEIGHBOR'S PROPERTIES?

A: 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. We remind residents, of course, that open and civil communication between property owners before any such action is taken usually yields the most beneficial outcome.

A tree whose trunk rests across a property line is, in Ohio, commonly owned by all adjoining landowners. If a tree is owned in common with others, one person cannot remove or a trim it in such a way that would result in harm to the tree. And even if a tree rests solely on one neighbor's land, if you and the neighbor have formally agreed, or treated the tree in such a way as to suggest, that the tree is commonly owned, then tree may be considered legally owned by all involved parties.

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

Q: HOW DO I RESOLVE DISPUTES AND CONCERNS OVER TREES WITH MY NEIGHBORS?

A: Citizens are encouraged to resolve tree-related questions or disputes without involving the city. This resolution usually can be accomplished, or at least initiated, by simply making a polite inquiry or request of the other party. If the parties are unable to agree on tree ownership or maintenance, the conflict remains a private civil issue and either party may want to consider consulting an attorney.

The city also offers a mediation service for disputes existing between neighbors. We encourage you to contact the law department at (216) 529-6040 for details on mediation, or visit the law department's page at lakewoodoh.gov.

Q: WHAT IF THE TREE I'M CONCERNED ABOUT IS CITY-OWNED?

A: If you have concerns about a tree on city property or on a tree lawn, please contact the city's Streets and Forestry Division at (216) 529-6810 or at streets@lakewoodoh.gov.

Q: WHO MAY PERFORM TREE MAINTENANCE?

A: Residents interested in undertaking tree maintenance or removal that goes beyond the scope of ordinary yard work are encouraged to contact a qualified arborist, including one of the many arborists that have already registered as forestry contractors with the city. A complete listing can be found online at the Division of Housing and Building's page at lakewoodoh.gov. Make sure you ask to see proof of the arborist's insurance. ■