

# Tree Fact Sheet

Howland Township Zoning  
205 Niles Cortland Road NE  
Warren, Ohio 44484  
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**Howland**  
A World Class Community

Howland Township prides itself on its abundance of homes and trees. As trees age or become damaged, neighbors often have confusion or conflict surrounding the care and responsibility for trees located on private property.

## **Q: What is the Townships' role?**

A: The Township's involvement in tree issues is limited to municipally owned or -maintained trees. The Townships authority does not extend trees located on private property. The Township does not have the authority to cite or remedy private tree-related issues. Disputes over trees located on private property are a civil issue between 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. This resolution can usually 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

## **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 a tree is generally determined by traditional legal principles of negligence. Ordinarily, when a tree or limb falls, the responsibility for clearing the debris and fixing the property rests with the property owner 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 notify your neighbor of the situation. This can be accomplished by politely advising them by letter or other writing. You may want to rely on the advice of a trained tree professional you've hired to view the tree 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 that open and civil communication between property owners before any such action is taken usually yields the most beneficial outcome.

In Ohio, all adjoining landowners commonly own trees whose trunks rest across a property line. If a tree is owned in common with others, one person cannot remove or trim it in such a way that would harm the tree.

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 the tree may be considered legally owned by all involved parties.

The Township will not determine the ownership of a tree unless it appears on Township property. Tree ownership must be determined privately by a qualified surveyor or by the agreement of the affected property owners.

In closing, we remind residents that open and civil communication between property owners before any action is taken usually yields the most beneficial outcome.