



Conflicts Involving Trees and Neighbors

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Trees can cause as much contention between neighbors as yapping dogs and straying cats. I was interested to learn about 'natural products' and surprised to learn about the common law right of 'self-help'.

You may find leaves blowing into your yard from a neighbor's tree to be a nuisance and hope the neighbor is responsible for removing them. This is not the case according to all the reputable websites I visited. Leaves are considered to be a natural product and you are responsible for cleaning up any natural products that fall into your yard. Yep, this includes bird poop. "Even if the leaves cause damage, like clogging your gutters or pipes, you have no legal claims against the owner of the tree," states the realestate.findlaw.com website.

However, if the annoying leaves drop from branches hanging over your yard, the right of self-help may be to your advantage. According to the hindmansanchez.com website, "In Colorado, property owners have the common law right to cut off branches and roots that cross over their property lines. Courts really don't want to take up valuable court time settling disputes between neighbors. The right to self-help encourages neighbors to solve their problems themselves. In Colorado, the neighbor who trims the tree is responsible for any expense associated with the trimming. Trimming back large and numerous branches can be expensive. Consider talking with your neighbor about splitting the cost."

There are limitations to the right of self-help. You cannot trim the tree in such a way as to damage the health of the tree. This could be a slippery slope – if a trimmed tree fails, it might be hard to determine the cause.

Several websites suggest a common sense approach to the problem of unwanted branches hanging over your yard. First, make sure you know where the property line is located. Then, discuss the issue with your neighbor before taking any action. You can only trim the tree to the property line and you may not enter the neighbor's yard without his or her permission.

The tree owner may want to cooperate with you and make sure the tree is trimmed such that it remains attractive and healthy. If the owner doesn't cooperate, you might want to send a registered letter to your neighbor describing your situation and intentions before trimming.

The hindmansanchez.com website suggests, "The best solution remains trying to compromise with your neighbor. Consider mediation. Mediation has brought about settlements in situations which at first glance appeared to have no amicable solution. By keeping the lines of communication open with your neighbor, hopefully you can get the tree trimmed while keeping sugar-borrowing privileges."

What if the tree straddles the property line between you and your neighbor? Joint property line trees require approval by both owners before maintenance.

Chances are, if branches are encroaching on your yard, the trees were planted long before you bought your home. While you weren't able to prevent the problem, folks can take some steps to avoid future problems.

If you're planning to plant a new tree, carefully consider what the tree will look like 30 years from now. Often new trees look more like a big twig than a tree. Avoid planting too near a property line. If you have a small lot consider planting a tree that won't be too large when it matures such as a Tatarian Maple (*Acer tataricum* garann "Hot Wings"), a Canada Red Chokecherry (*Prunus virginiana* "Shubert"), or a Hawthorn (*Crataegus*). There are a number of choices for small and medium trees under the Tree Lists tab at the AlamosaTrees.net website.

In addition to causing less leaf litter, smaller trees are easier to maintain and require less water.

Please note, I'm not a lawyer! If you have questions, please contact a lawyer.

"The planting of a tree, especially one of the long-living hardwood trees, is a gift which you can make to posterity at almost no cost and with almost no trouble, and if the tree takes root it will far outlive the visible effect of any of your other actions, good or evil." George Orwell