



## POLICY

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### TRIMMING NEIGHBORS' PLANTS

*Approved at WLCA Board Meeting, June 27, 2016*

This Policy is based on Florida law relating to trees as reported by Olexa and others. WLCA applies those same principles to include vines and other plants that cross property lines. Basically, the health of the plant determines which landowner is responsible.

#### **Live Trees, Vines, or Other Plants**

A landowner **is not** liable to the adjoining property owner for an alleged nuisance caused by overhanging branches and roots from a tree, or from vines or other plants encroaching on his or her property. The adjoining property owner is legally entitled to trim back, at the adjoining owner's own expense and only up to the property line, any encroaching tree roots or branches and other vegetation that had grown onto his or her property.

If a live tree falls onto the adjoining landowner's property, then the adjoining landowner is responsible for any damages.

#### **Dead Trees, Vines, or Other Plants**

A landowner **is** liable to the adjoining property owner for an alleged nuisance caused by overhanging branches and roots from a dead tree, or from dead vines or other dead plants that had encroached on his or her property.

If the branches or roots are dead, or if a dead tree falls onto the adjoining landowner's property, then the landowner of the property where the dead tree or other dead vegetation was originally located is responsible for damages and removal of the dead vegetation.

If a dead or damaged tree in a conservation area poses a hazard to a residence, WLCA shall obtain permission from the St. Johns River Water Management District to remove the tree, or to minimize the hazard in other ways.

#### **References**

Olexa, Michael T., Eugene E. Shuey, and Patrick H. Todd, "Handbook of Florida Fence and Property Law: Trees and Landowner Responsibility," EDIS document FE962, a publication of the Food and Resource Economics Department, UF/IFAS Extension.

SJRWMD, "Frequently asked questions about conservation easements."

<http://www.sjrwmd.com/recreationandland/conservationeasements.html>