



Living Next to Nature... The City's Response to Tree Issues



WHEN A TREE OR TREE DEBRIS FALLS

Living in close proximity to nature and urban forests helps make Tigard a great place to live. Trees can grow pretty much anywhere, and they can fall anywhere. Generally, because trees grow anywhere and fall anywhere, the property owner who has incurred the tree debris or sustained damage is responsible for debris cleanup and the repair of their own property damage, even if the tree originated on a neighbor's property. This is true whether the neighbor is another homeowner, business, or the City of Tigard.

This is also true when a tree falls on a vehicle. The vehicle owner is responsible for cost of their own repair.

If a tree falls on your property causing damages or need for cleanup, you should:

- Call 911 if there is an injury, smoke, flames or threat of fire, arcing or sparking of powerlines, wires down or trees hanging on wires, gas leaks, or other dangerous conditions.
- Take immediate action to limit further damage to your property if it is safe to do so.
- Submit a claim to your insurance company.

WHAT IS THE CITY OF TIGARD'S RESPONSIBILITY IN THE FOLLOWING SCENARIOS:

- **Private Property Owner to Private Property Owner**
In the event your tree falls on your neighbor's property causing damage, they are likely responsible for cleanup and repair of damages. Likewise, if your neighbor's tree falls on your property, you are likely responsible for cleanup and repair of the damage. The City has no jurisdiction other than if there is a code enforcement issue or a property owner has submitted a Hazard Tree Dispute Resolution Application to the City of Tigard. Learn more at www.tigard-or.gov/trees.
- **Private Property to City Property**
The City is a neighbor and therefore would be responsible for cleanup and repair of damage from what has fallen from private property onto City property (road, sidewalks and trails are all examples of this) to make the City property usable and safe. If removal could cause damage to private property, the City will notify the private property owner.
- **City Property to Private Property Owner**
When a City tree falls onto a neighboring property, the neighbor is responsible for cleanup and repair of damage to their own property. Factors that may change this situation include when a tree or limb that had fallen was a documented hazard tree as determined by a Certified Arborist and that the City had not taken care of.
- **City Property to City Property**
When trees fall on City property, the City will make every effort to ensure the tree does not result in a hazard to the public. The responsible City Department(s), working together, may determine to leave a fallen tree in its natural state or not clear away the tree when it poses no risk and can improve the natural habitat or provide wildlife benefit. This is particularly true when a tree falls in our greenways, natural areas and sensitive lands.

FREQUENTLY ASKED QUESTIONS

If a City owned tree, limb or branch has fallen into my yard, onto my fence or house, will the City clean that up and repair damages?

No. The City will not remove a fallen tree, limb or branch from a private owner's property or structures in most situations. The property owner is responsible for debris cleanup, tree removal, and repair of damaged structures.

Tree branches are hanging over my fence, and or touching my house, from City property. Will the City prune the branches back?

No. The property owner is responsible, just as the City is, if pruning is needed for trees encroaching from private property. Property owners may legally prune encroaching tree limbs and branches back to their property line but cannot do so in a such a way that will cause damage or kill the tree.

What if a City tree is obstructing a path or roadway in addition to my property?

The City will remove portions of a tree and the debris from City owned paths, trails or roadways to maintain safety and allow traffic to flow unimpeded. The City is not responsible for removing or pruning the portion of the tree on private property because it is the responsibility of the private property owner.



What if I have already filed a hazard tree abatement complaint and my neighbors tree falls on my property?

If you have previously established through an abatement process that a tree is a hazard tree, it is likely the tree owner would then be responsible. It's always a good idea to file with your insurance company regardless.

Tree branches in the planter strip along the sidewalk are interfering with pedestrians walking along the sidewalk. Is the City responsible for maintaining the trees?

No. The planter strip in the sidewalk belongs to the property owner. The City maintains an easement for establishing street trees but it is the responsibility of the property owner to provide safe and unobstructed access along the sidewalk. Failure by the property owner to maintain the trees may result in a code enforcement issue. See the Urban Forestry Manual on the City of Tigard website: www.tigard-or.gov/trees.

HAZARD TREES

Healthy trees are certainly prone to fall or drop limbs and branches during certain weather events but doesn't make them hazard trees, while trees that may appear unhealthy can remain rooted for many years. Tall trees or limbs that are in close proximity to a house, fence, or other structure are not considered a hazard tree from that standpoint alone.



Trees that appear very healthy can quickly change to become weak, unstable, or die due to a variety of factors including age, environmental stress, disease, or insects. The City of Tigard has a Hazard Tree Program that relies on a standardized rating system developed by the International Society of Arboriculture (ISA). The use of a Certified Arborist is required to evaluate and determine if a tree is considered a hazard tree or not. Learn more about the city's program at www.tigard-or.gov/trees.

HELPFUL WEB AND PHONE LINKS RELATED TO FALLING TREES:

- **Trees in Tigard Web Page**
www.tigard-or.gov/treeissues
- **City of Tigard Hazard Tree Program**
(Hazard Tree Brochure)
www.tigard-or.gov/treeissues
- **Urban Forestry Manual**
(Note page 42 for more Hazard Tree information.)
www.tigard-or.gov/home/showpublisheddocument/1062/637623906445800000
- **Washington County, City of Tigard Police**
Medical and Fire Dispatch Non-emergency – 503.629.0111
- **Police, Medical and Fire Emergency** – 911



PUBLIC WORKS DEPARTMENT

13125 SW Hall Boulevard, Tigard, Oregon 97223
www.tigard-or.gov/treeissues