



Pennsylvania Tree Laws

Below is a primer on the laws regarding trees along property lines and public rights of way in Pennsylvania Municipalities.



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We hope that the following information gives you a better idea of your rights and liabilities concerning hazard trees and property line laws. With the rapid infestation of invasive tree pests like the Spotted Lanternfly and Emerald Ash Borer, many PA residents are being

forced to research about dead tree removal laws along property lines and public right-of-ways. If you have more questions, please contact the tree law attorneys at High Swartz LLP at 610-275-0700.

If your Neighbor's tree along your property line is a hazard...

If the hazard tree is along your property line, but is considered to be the neighbor's tree, notify them immediately and request they remove it. If they refuse to do so, you can hire an arborist to remove the portion of the tree that overhangs your property. You can then require your neighbor to reimburse you for the cost. If all or any portion of a hazard tree falls on your property, and your neighbor was aware of or should have known that it was dangerous, your neighbor is responsible for any damage that you suffered, including your cost of removal.

If your Neighbor's tree along your property line is not shown to be a hazard...

If your neighbor's tree falls onto your property and is not shown to have been a hazard, the neighbor will not be deemed negligent. Not only must you clean up your neighbor's healthy but fallen tree, but you have to give your neighbor the opportunity to claim their wood! If your neighbor's property line tree falls onto your property, call an arborist to inspect the tree and advise if it was defective and if the neighbor should have been aware of its condition.

Can I cut overhanging branches from my neighbor's tree? OR Can my neighbor cut overhanging branches from my tree?

The owner of a tree can cut it down or trim its branches without the permission of their neighbor at anytime, but they are also solely responsible for any damage that the tree causes to their neighbor's property. This even applies to cases where the property owner's tree roots are causing damage to a neighbor's property.

In the 1990s, the Commonwealth court ruled that overhanging branches AND the roots are considered a trespass, and the neighbor whose property is being trespassed upon can remove the overhanging branches or roots. They can then sue the owner of the tree for the cost of removing the branches or roots.

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Pennsylvania Tree Laws (cont'd)

If the dead or dying tree is directly on the property line...

In this case, you jointly own the tree with your neighbor and you are empowered to both share the cost of the tree's removal.

If the dead or dying tree is within a public right of way...

Even if your town has maintained a tree over the years, don't expect the municipality to pay for its removal. Although PA municipalities control the use of streets, including trees growing within the street's limits, the municipality has the right to impose the cost of tree removal on abutting property owners. If your local municipality chooses not to bill you, that is their option. Even if they have done so in the past, don't expect municipalities to continue to front the bill. In the face of the extraordinary cost of removal and the scope of current and future tree blight numbers, deferment is probable.

To remove any public right of way tree, you'll need permission from the municipality...

It's essential to remember that local government controls trees in the public right of way and is responsible if they fail to remove a hazard tree after notice. The property owner should notify the municipality of the hazard tree and ask that it be removed. Keep a copy of that notice for future records.

Schedule to have the hazardous tree taken down immediately...

Homeowners experiencing dead or dying trees proximate to buildings, driveways, patios, sidewalks, and streets do not have the luxury of removing that tree at a future date. A dead tree can quickly become brittle and fall from its own weight in as little as 18 months from the point of infection. Ash trees affected by the Emerald Ash Borer will die from the top down. If you suddenly find that your ash tree is largely dead, the probability is that it has been dying for a long time when you didn't notice. And if the tree is largely dead, you will likely not find an arborist willing to climb the tree to take it down. They will want to do the work safely with the use of a crane, which could significantly increase the cost of the tree's removal.



Educate yourself regarding trees on your property, their health and hazards...

The Spotted Lanternfly is causing many Pa residents to be concerned about hardwood and property line fruit trees. The SLF is an invasive insect discovered in Berks County of Southeastern Pennsylvania in 2014 and originates from Southeast Asia. Spotted lanternflies are not as selective as EABs regarding the trees they attack. Their preferred host is the "Tree of Heaven" or ailanthus but they are also reported to attack apple, Plum, cherry, peach, apricot, pine trees, even grape vines and hops. The economic impact could be enormous on the regions fruit, beer and wine industries. And because the Spotted Lanternfly lays its eggs on any surface including cars and trailers, a rapid outbreak is expected.

Be Preemptive regarding listed host trees...

The Penn State Extension has an updated list of reported species and plants these pests prefer. It may be in your best interest to remove any listed trees, especially ash trees or trees of heaven, along any property line or area that could be seen as dangerous.



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