

Lower Makefield Farmland Preservation, Inc.

Lower Makefield Farmland Preservation, Inc. Property Line Trees Policy and Practices

This policy and summary of practices, as adopted by the Board on November 15, 2021, was created to assure consistent, fair and responsible treatment of trees, the environment, and the property rights of both Lower Makefield Farmland Preservation, Inc. ("Farmland") and our neighbors and good relations in our Lower Makefield community. This policy should be read and applied in its entirety.

Trees on Property Lines ("Boundary Trees") Are Shared

If any part of the trunk of a tree is on both Farmland and our Neighbor's property, both the neighbor and Farmland own the tree; that is, it is a Boundary Tree. It is considered the common property of both and neither owner can damage or destroy the tree without the other's consent to do so. Both property owners share the value and responsibility for upkeep and maintenance of the tree on their side of the boundary line.

Overhanging Branches, Underground Roots

Overhanging branches, or underground roots, can reach over into either neighbor's property, even if the trunk is fully on the other side of the property line. The tree is considered the property of the owner where the trunk is located. In Pennsylvania, each party is responsible for maintaining their property not only up to the property line, but also under the ground and the sky above it. Thus, a property owner is permitted to trim limbs and roots hanging over or under their property without the knowledge or consent of the tree owner, although it is not neighborly to do so without first giving the tree owner prior notice.

Though each property owner has the right to protect their property against damage from a neighboring tree, they do not have the right to cut down a neighboring tree. Property owners have obligations to act reasonably toward adjoining landowners and to refrain from causing foreseeable injury to neighboring property. Thus, each neighbor must keep the health of the tree in mind as a result of tree trimming, chemical treatment, etc. If a tree is damaged or destroyed by the adjacent property owner, the party causing the damage is liable. For example, a neighbor may not cut back roots or limbs that put the health of the tree in jeopardy and/or make the tree no longer visually pleasing, without the consent of the owner.

Trees that Cause a Risk

It is Farmland's practice not to remove healthy trees on Farmland property, unless the tree presents a risk of injury or property damage. Creating a 'Risk' could take the form of any danger, including falling limbs, falling trees, roots damaging sewer lines, roots damaging foundations, etc. In practice, if a tree presents a Risk as would be "recognizable or acknowledged by an ordinary person," either party has the right to trim branches, cut and remove roots, or remove the tree depending upon the situation. This includes trees whose trunks are entirely on the adjacent property. But the party who suffers the potential risks and desires corrective action is responsible for any costs to do so. When a Risk situation is of a questionable nature, a professional arborist is to be consulted for a final determination. Any permanent damage to a neighboring tree is the responsibility of the property owner who damages the tree. In any case, the adjacent neighbor should keep the other neighbor informed of their intent before taking any action.

Tree Falls

Property owners are responsible for damages caused by Boundary Tree on their own property if the damage from the tree occurs from an act of God, such as during a hurricane or other extreme weather condition. The property owner who suffers damage should determine if they have insurance coverage for said damage and file or not file a claim accordingly.

If the trunk of a tree is fully on only one property, but an act of God, e.g., hurricane, snow storm, etc., causes a branch or branches to damage property on an adjacent property, it is not the responsibility of the tree owner.

Farmland Fence

The fence along the boundary of Farmland property was placed on the property line and constitutes the property boundary. The fence is owned by Farmland and thus, a Neighbor is not permitted to cut, damage, alter, climb or move the Farmland fence for any reason.

Farmland Neighbors Cannot Trespass on Farmland Property

Farmland property is actively farmed/cultivated land and only the farming tenant has permission to enter the property. All Farmland property is a No Trespassing zone. Only people with expressed consent of Farmland may enter the property. Farmland cannot enter a Neighbor's property without expressed consent.

Good Neighbors

Farmland Board Members are ready and willing to discuss any boundary or tree issues with Neighbors upon request and do so many times throughout the year. Farmland is committed to being a good neighbor, which means mutual respect of rights of each property owner and open dialogue on issues of mutual concern. A neighbor with a question or issue with Farmland trees, fence or boundary line is encouraged to contact the Lower Makefield Township office, who will direct the inquiry to the right individual at Farmland. We have learned over the past 30+ years, that a conversation and dialogue usually prevent even significant issues from becoming a problem. We work to be neighborly and know that others in Lower Makefield do the same.

Any contractors (landscapers or tree removal companies) hired by the Neighbor and working on Farmland property is licensed and insured. We ask that the homeowner provides a copy of the insurance certificate. Farmland will hire only licensed and insured contractors as well.