

The intent of this policy is to describe, outline, and implement captured definitions/exercises that homeowners can understand, request, and expect from the HOA board in addressing, implementing, and resolving issues regarding trees in common areas of the Meadowood development.

First, Ohio Revised Code ORC 901.51 provides: No person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land.

Second, ORC 901.99A provides that any person found to be responsible under ORC 901.51 is guilty of a misdemeanor of the fourth degree. So, not only can one improperly cutting down or damaging trees be responsible for triple damages, but potentially criminal charges.

Philosophical Approach

- Safety first. Tree poses an imminent danger to life or property.
- Includes emergencies due to weather.

Note: The Meadowood HOA will have a certified arborist as part of any tree service provider contracted to perform work in the development.

Pruning: Meadowood HOA works to maintain our development landscaping with pruning of trees. Every effort will be made to maintain the trees in a healthy and responsibly pruned condition.

- All trees are pruned to maintain or improve their structure.
- Not more than one-third of the volume of foliage can be removed in a single pruning.
 - For standard pruning of a tree, consideration for the health and age of the tree is necessary.
 - Restrictions due to species. Tree Service/Arborist determination.

Removal

- Our Tree Service/arborist will provide information regarding a tree's condition and a course of action.
 - Information will include health of tree, condition, and impact on surroundings (risk to other vegetation or structures).
 - Trees that are healthy and pose no risk to property or people will not be removed.
 - Trees recommended for removal will be removed.

NOTE: Many of the following issues described below can and will be enforced to individual homeowners as well.

WHO OWNS WHAT?

Property Line: Under the Ohio tree laws, trees are considered a part of the property and landowners have a right to that tree, even if it is only halfway on the property.

Because of this, it is best practice to get a neighbor's permission before removing any tree that sits on the property line. Also, since the Meadowood community consists of Common Areas which are abreast of individual homeowner properties, this same approach applies in contacting our HOA. This practice also can facilitate a discussion of who will pay for the removal, the need to enter onto property to safely remove the tree and disposal of the tree and any debris. Discussing the details ahead of time can save money and frustrations afterward.

- Trees whose trunks stand wholly upon the land of one owner belong exclusively to said owner, even if their roots grow into the land of another.

WHAT TREE PROBLEMS ARE COMMON IN HOA'S?

The Meadowood Association (HOA) has responsibility for maintaining the Common Areas. This includes maintaining and preserving landscaping. Board members must make tough decisions that must balance the Homeowners interests against the best interest of the entire development.

The factors most likely considered are:

- Whose responsibility is it to take care of the tree?
- How long has it been there/maturity?
- Is it causing any damage?
- Is it sick or diseased?
- Is it in an area that is overplanted?
- Is it in an area that has sufficient drainage?
- Does it get enough water?
- What are the overall landscaping plans?
- Are there budget constraints?

Our Meadowood development has a very mature and varied species of trees. These bullet items listed are derived from issues experienced over the years and input from Certified Arborists/tree experts. Many of the challenges to the Meadowood HOA regarding tree issues are due to maturity.

WHEN IS A TREE A NUISANCE?

Trees whose branches or roots encroach over or on the land of another may constitute a nuisance. The owner of the land encroached upon may abate the nuisance by cutting off the overhanging branches or destroying the encroaching roots. However, there is a duty to act reasonably, and there is no absolute right to sever tree roots from a neighbor's tree.

Removing a tree because it is a nuisance:

A tree, although lovely, can cause damage not limited to: roofs, patios, fences, walkways, or driveways. Falling limbs or a falling tree can injure people and property. Removal may be the

only solution. Remember, in trying to determine who is responsible for the damage, find the source of the damage and that will tell you who is responsible to pay for it.

Overplanting: The HOA must make tree removal decisions based on previous actions taken by others.

- In the original development, to create curb appeal, too many trees were planted, or trees were planted in the wrong places and must be removed.
- In the original development, common areas were left/created for natural beauty and buffer zones. Maturity and overgrowth, over time, create necessities for trimming/clearing. This point includes view/privacy issues, most commonly found/experienced in buffer zones.
- In the original development, Municipal reserves were incorporated (example: transformer stations in many of the front lawns) that require periodic maintenance. Blocked/overgrown trees/plants MAY be removed as necessary to ensure utilities access.
- Self-help issues. A homeowner plants or maintains landscaping in the common area. The HOA must then require the homeowner to remove said plantings. The association must be consistent in uniformly enforcing governing documents.
- Trees as structures. Planting trees as “privacy fences” should be avoided. Creating future maturity and property line related issues are the major concerns. As always, contacting the HOA along with neighbors for agreement is recommended.

PROCESS REQUEST FOR TREE RELATED ISSUES

Homeowner makes a request to have a tree pruned or removed.

- Submit a request through the Meadowood website or contact the appropriate HOA representative listed on the website.
- Facts and circumstances must be detailed.
 - Name, address, contact phone number.
 - Safety concern?
 - Pruning or removal?
- The representative will walk the issue with requestor and contact our Tree Service provider.
 - If this is a storm related emergent issue, actions ASAP will be pursued.
 - Otherwise,
 - Tree Service provider will evaluate request and recommend appropriate course of action(s) in a proposal.
 - In cases where a homeowner’s request and the Tree Service/arborist’s plan differ, the HOA opts to follow the advice of the arborist. The homeowner is informed accordingly.
 - Proposal/quote is agreed to, and work is scheduled accordingly.

CLEAN UP REQUIREMENTS

When a tree is cut down at/near ground level and felled onto a natural wooded area, the tree can be left “whole” as a natural fallen tree. Exceptions include situations where the sheer number of fallen trees is too large to appear “natural”.

Brush or limbs, if not left attached to the trunk must be removed from site or “scattered” within the natural wooded area, not piled up in a “rats nest” fashion.

If the common wooded area is determined to be an easement or stream area, the entire above ground portion of the tree will be required to be removed.

If the trunk of the tree requires more than one cut above ground level base, the tree and all the cut pieces will be considered debris and are required to be removed. This refers to the trunk only and not cuts made to branches attached to the trunk.

If a tree is removed from the common area and NOT in a natural wooded area, unless there is a conflict with utility lines or another legitimate reason approved the Meadowood HOA authorized representative, the stump must be ground or removed, and the hole backfilled to ground level. All work must be inspected and approved by authorized representative of Meadowood HOA prior to payment(s) issued to the Tree Service provider.

Stump Grinding: When in question, 811 must be called to mark for underground utilities before any stump grinding or other digging takes place.