

IX. Trail Committee and Board Policy Guidelines Regarding

Dangerous Tree and Fallen Tree Removal

30 November 2016

3rd reading¹

Approved 29 November 2016

1. Dangerous tree (apt to fall on Association Trail) identified on Association member property
 - Board notifies landowner of the risk and determines who will remove it; the land owner is at liability risk if this tree causes harm to others and should be (is) responsible to remove the risk.
 - If land owner and Board determine Association will remove it, Committee will have the tree felled and any part of the tree on the trail will be removed. Tree is the property of the landowner; disposal of the tree and debris should be clearly agreed to between the landowner and Association.
2. Dangerous trees identified on Association trail property
 - Committee notifies Board of issue and need for removal
 - Board notifies neighbor of intent to remove (and probability that it needs fall onto their property)
 - Committee has the tree felled; tree is property of the Association but disposal of the tree and debris should be clearly agreed to between the landowner and Association.
3. Downed trees on the trail
 - Trail Committee will have the obstacle removed (if the tree is merchantable as lumber (greater than 12"dbh, has no rot and is unbroken for 16') and that portion is across the trail , the tree owner should be apprised of intent to remove prior said action)
 - Trail Committee will inform Board and landowner of issue and outcome

¹ Original document written by Kit Metlen, 10/11/2016

- Tree and debris are property of landowner from where tree was rooted. Disposal of the tree and debris should be clearly agreed to between the landowner and Association.

4. Caveats:

- Trees belong to the owner of the land upon which they grew
- Landowners are responsible for trees that can or do reach the trail
- Landowners are responsible for the wood and debris removed from the trail (including brushing debris)
- If a tree overhangs another property, that portion overhanging can be removed by that owner upon whom it infringes. In other words, if a tree or branches overhang the trail, they may be legally removed by the Association without notification of the landowner even though Association rules say the landowner is responsible for the maintenance of the trail abutting their ownership. Trimming small branches, blackberries, etc. infringing on the trails is not a problem, but any major wood removal (think chainsaw required) that might unbalance the tree should be discussed with the owner prior to work.
- This document encourages landowner and Association/Committee discourse before actions to remove identified danger trees or trees impeding the trail system. Of course, emergency situations may require immediate action
- Other related issues: A) brush trimming of the trails, B) fence maintenance along trails, C) trail damage from land owner's action or lack thereof, e.g., runoff from owner's property washing out trail. The approach suggested above applies also to issues A and B. Issue C is more complex and must be handled on a case by case basis.