



## WHOSE TREE IS IT?

A frequent phone call received at the City Forester's office is about who is responsible for maintaining the street tree in front of a home. In most cases, the property owner is responsible for maintaining the tree, similar to their lawn and other landscape improvements placed in City right-of-way. The following information is intended to outline the respective responsibilities of tree care and maintenance in City right-of-way.

### **Right-of-Way**

The City has acquired the right-of-way area next to and including the street. This distance is often eleven feet back of the curb. Factors such as older neighborhoods, major thoroughfares, and landscape easements could increase or decrease this distance. Just about anything placed in this area is in the right-of-way and regulated by City ordinance.

### **Related Codes and Regulations**

Chapter 7.16 of the [Overland Park Municipal Code](#) regulates trees and shrubs on public and private property. There are also other Chapters of the municipal code, Park Directives, Resolutions, and so forth that regulate various aspects of trees and landscaping throughout the City. Section 7.16.200 states that the abutting property owners of the right-of-way are responsible to maintain trees and shrubs encroaching or within the right-of-way. It also dictates minimum height clearance over streets (12.5 feet) and sidewalks (8 feet). There are also regulations for where trees can and cannot be planted and which varieties are allowed and not allowed to be planted. For a copy of this Ordinance and an "Approved Trees for Overland Park Right-of Ways" brochure, please call 913/327-6630.

### **Property Owner's Responsibilities**

Trimming to remove deadwood, routine pruning or trimming for aesthetic purposes is the responsibility of the abutting property owner. Low limbs obstructing the sidewalk, street, driveway or other areas of a yard are also the property owners' responsibility. If the Forestry office receives a complaint, a letter will be sent to the property owner allowing them a certain number of days for the obstruction to be corrected depending on the situation. If the complaint is not resolved, a case is added with the Community Services Division. If additional attempts to contact the property owner fail and the violation is not corrected, abatement by the City is possible. The notice of cost would then be presented to the owner. Sign, streetlight and traffic signal obstructions are usually corrected by City crews. In addition to trimming, property owners are responsible for other maintenance activities such as insect and disease control, and other cultural practices to provide for a healthy tree.

### **City Crew's Responsibilities**

There are several conditions where the City will help out in maintaining street trees. Where an immediate hazard exists that could potentially affect City right-of-way or property, crews will inspect and potentially correct the situation. These situations include large broken and hanging limbs, storm damage or removal of a dead or dying tree. With a few exceptions, these situations are handled on an individual complaint basis.

### **Removal of a Street Tree**

If a tree needs to be removed because of a hazardous situation, the City will do so at no

charge to the property owner. Depending on the nature of the hazard, no notice may be given. In all other cases, a street tree may not be removed without written permission from the City Forester.

Typically, the City Forester does not grant permission to remove trees within the right-of-way on nuisance based complaints. These could include, but not be limited to, messy fruit or seeds, leaf drop, and/or tree root conflicts. Of course, each case is handled and evaluated on its own merits. It is the intent of the ordinance and City Forester to promote and maintain a healthy urban forest for all residents of Overland Park.

**Contact Us**

If you have a concern about a street tree, feel free to call the Forestry office at 327-6630. For more information contact City Forester Sarah Crowder at 913- 327-6639.