



2664 Riva Road
Annapolis MD 21401
www.aacounty.org/ip
Phone: (410) 222-7790

Mark Wedemeyer, Director

HAZARD TREES

Ownership:

As a matter of law, trees are the property of the land owner(s) where they are situated.

Definition: Hazard Tree

A "hazard tree" is a tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target." A target can be a vehicle, building, or a place where people gather such as a park bench, picnic table, street, or backyard.¹

Overhanging Branches:

If a branch overhangs your property from a tree located on an adjacent property and you believe it presents a hazard to your property, you are encouraged to speak to your neighbor about the situation. If the neighbor is cooperative, you may want to offer to share in the cost of having the tree evaluated; and for any trimming, or for outright removal of a hazard tree, or to pay for any such services in full if the neighbor is financially unable. If the neighbor is unresponsive or uncooperative, you are allowed to trim branches of a neighbor's tree that project over your property in an 'arboriculturally sound manner' under what is widely recognized and identified as the "Massachusetts Rule." However, these trimming efforts must not endanger the health of the tree; hence the caution of carrying out such work in an 'arboriculturally sound manner.' This means all pruning must be performed by the land owner; or by a Maryland Licensed Tree Expert² *from your property* in accordance with industry standards, and the amount of branches removed should not exceed 1/4th of the total crown of the tree. Excessive or poorly performed pruning can exacerbate hazardous conditions and lead to the death and/or decline of a tree, for which you could be held liable by the owner of that tree. To properly identify a hazard tree, a Certified Arborist must be engaged to perform an assessment of the overall health of the tree and to prepare a written report explaining why, in their professional opinion, the tree presents a hazard. In cases where the owner of a hazard tree is not willing or able to contribute to this assessment, it is strongly encouraged that you contact your insurance carrier for guidance on how to proceed.

Environmental Restrictions

The Chesapeake Bay Critical Area buffer extends a minimum of 100 feet landward from tidal waters and tidal wetlands. Removal of existing natural vegetation within the Critical Area buffer and expanded buffer is regulated by law. Additionally, many properties, both in and out of the Chesapeake Bay Critical Area, may be subject to Forest Conservation Easements which restrict all activities involving removal of vegetation, all of which are subject an approved Standard Vegetation Management Plan *before* work commences. For additional information, please reference <https://www.aacounty.org/inspections-and-permits/forestry/vegetation-management-plans> and scroll down to Forestry Forms and Fact Sheets and click on Standard Vegetation Management Plan or contact the County Forestry Program at (410) 222-7441.

¹ Minnesota Department of Natural Resources and USDA Forest Service 1996. *How to Recognize Hazardous Defects in Trees*. USDA Forest Service NA-FR-01-96. 20 pp.

² With the exception of existing downed timber, i.e., trees or branches already lying on the ground, all trimming, cutting or removal must be performed by the land owner; or by a Maryland Licensed Tree Expert. For a complete listing of Licensed Tree Experts, please reference <https://dnr.maryland.gov/forests/Pages/licensed-tree-experts.aspx>