

Hope is a Tree #5: Who are those guys messing with my tree?

Ken Baker, January 22, 2024

They're called arborists, they work for the city, and that tree out by the street isn't yours.

Well actually, in one sense, it sort of is your tree...

Ohio Revised Code (ORC) 723.01, 727.01, and 2744.02 are your main references on this, but here's the short version:

Communities not only have the legal right to enact levies for the care for their streets, utilities, public lands and rights of ways (including the tree lawn area by the street), but they are financially liable for any injury, death, or property damage caused by their "negligent failure" to keep these in good repair.

Not knowing about a storm-damaged limb ready to fall on a car or pedestrian doesn't erase the community's liability if an accident occurs because the city has a "duty of care" to look for and address predictable hazards.

And that's a big reason why any sizable city would want to have one or more professionally trained, ICA-certified arborists on the payroll. At least twice each year, every tree in town should be evaluated for health and safety, from trunk to crown.

To an arborist, each tree has its own characteristics—its personality—and over years of observation, s/he can reliably predict where and when trouble is likely to start...and take appropriate corrective action long before someone gets hurt.

And then there's ORC 723.011, which gives communities the power to create ordinances requiring property owners to keep the sidewalks and tree lawn in repair and free of any nuisance.

Your duty of care.

Public domain photo of an arborist pruning a tree for possible use in illustrating this essay:



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