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When a Tree Falls...

By Sophie Braccini



Photo Andy Scheck

Lafayette's municipal code.

The three Lamorinda cities cite that native trees contribute to the natural scenic beauty, habitat for wildlife, semi-rural character and quality of life in the area. Making sure your trees are healthy and not a potential hazard can lessen future complications.

When a tree falls on your property, most homeowner's insurance will cover the damage, after you've paid the deductible. But what happens if your tree falls on your neighbor's property, in the right-of-way and knocks out a power line, or if a tree located in the right-of-way needs to be removed?

For trees that are in the right-of-way, rules are different in the three Lamorinda cities. "If a tree has been planted by the city, then it is our responsibility to take care of it," says Sarah Allen, Lafayette planning technician, "but if it's always been there, it is the adjacent property owner who has to take care of it."

In Orinda, Public Works Director Charles Swanson indicates that in residential districts property owners are responsible for the trees in the right-of-way adjacent to their property. "If a tree falls, the property owner will have to have it removed," he said, adding that in the downtown area where the city might have landscaped, they keep an eye on the trees.

If the tree is diseased or seems compromised, Swanson indicates that his department can be called to give an assessment. "We can do this (assessment), and will often recommend that an arborist be called," he adds. That assessment can be useful if a neighbor's tree starts leaning toward your property.

Who's Responsible?

"When a tree falls from your property into someone else's, we consider it 'an act of God,'" says one local residential insurance broker who preferred not to be identified. "It is typically your neighbor's insurance company that will take care of the damage." That is, if there is no negligence on the part of the tree's owner.

"The best thing to do if you're concerned about a neighbor's tree is to try to find a neighborly solution," the broker says. "Maybe call the city services or an arborist to get a report and find a common sense solution." If the neighbor does not want to take action, the broker suggests sending a certified letter to the tree's owner so that if damage occurs there is documentation regarding the issue.

As far as tree/powerline interface, PG&E has the responsibility to trim and maintain the trees that might cause damage to their lines, and can access trees on private property if it deems the trees are a hazard, says local arborist David Wood.

Wood's bigger concern is the health of local pine trees. "After the high December rains we could have seen a lot of trees falling over, but the last 10 weeks have dried down the root system, making the trees a lot more stable," he says, "but now we will be in danger of tree mortality in the late summer or fall, and people should be watching out for bark beetles around their big pine trees."

Fresh signs of infestation are pitch tubes: gummy looking resins mixed with wood chips, anywhere on the trunk, most commonly on the first three feet. Old evidence of infestation looks like dry sugar at the base of the tree.

Fortunately, trees can be sprayed to save them. For a list of treatment options, visit the UC Davis Integrated Pest Management website at www.ipm.ucdavis.edu.

What are the protected native species of trees in Lamorinda?

During the winter, high winds and rain can be hazardous to trees and neighboring structures. And while a dry winter can make tree roots stronger, the threat of pests like the bark beetle increases in drought conditions. Understanding your trees, and what you need to do when they come down, or need to be taken down, can save a lot of time and money.

The first step is to make an assessment of trees on your property. Do they show signs of infestation? Are they leaning toward a neighbor's property or right-of-way? Are they a protected native species?

If a tree is native to the area, such as valley oak or black oak, removing a tree can be more complicated, requiring permits with various supporting evidence, mitigation and consequences for non-compliance.

Removing a protected tree without a permit in Moraga is considered a misdemeanor, while Lafayette requires compensation. "A person who destroys or removes a protected tree in violation of this chapter shall pay restitution to the city by replacing each six-inches or its fraction of the diameter of the protected tree with four replacement 24-inch box trees of the same species," reads

valley oak (*Quercus lobata*),
live oak (*Quercus agrifolia*),
black oak (*Quercus kelloggii*),
white oak (*Quercus garryana*),
canyon oak (*Quercus chrysolepis*),
blue oak (*Quercus douglasii*),
interior live oak (*Quercus wislizenii*).

Additional protected trees or requirements for specific cities:

Lafayette

California bay (*Umbellularia californica*)

California buckeye (*Aesculus californica*)

Madrone (*Arbutus menziesii*)

Orinda

Riparian trees - a tree within 30 feet of the edge of a creek bank or a tree beyond 30 feet but in such proximity to a creek bank that it requires or tolerates soil moisture levels in excess of that available in adjacent uplands.

Moraga

Removal of all native trees requires a permit unless they are located within five feet of an existing building.
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