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TURTLE CREEK HOMEOWNERS ASSOCIATION, INC. COMMON AREA TREE TRIMMING FREQUENTLY ASKED QUESTIONS

As the trees planted between the sidewalks and street curbs have matured, homeowners have asked whether they or the Association are responsible for trimming the branches and roots of these trees. The following are some frequently asked questions and answers.

Question: Who owns the trees between the sidewalk and street curb?

Answer: Turtle Creek Homeowners Association owns the trees between the sidewalks and streets.

Question: Who is responsible for trimming the tree limbs and roots that grown over, under, or onto homeowner property

Answer: Homeowners are responsible for and may cut back any tree roots or limbs that encroach onto their property. This means homeowners may cut back tree limbs or roots up to but not past their property line. In most instances, this will be the edge of the sidewalk closest to the house.

This answer is no different from your neighbor's tree limbs growing over your yard. Florida law places the responsibility for cutting back tree limbs and roots on the property owner who owns the property affected by the limbs or roots, not the tree owner. This is why your insurance covers removal of your neighbor's tree if it falls onto your property during a hurricane.

Question: What about the driveway apron that extends over Association common areas?

Answer: You have an easement over Association property for your driveway apron. Your easement rights include cutting back any tree limbs or roots that grow over, under, or damage your driveway apron. You have the right to cut them back to the edge of the driveway apron.

Question: Who deals with tree roots affecting mailboxes on Association property?

Answer: The Association will cut back any tree roots that affect mailboxes and, if needed, straighten the mailboxes. Please notify the Association if you need this work done.

Question: Who is responsible for the cost of fixing damage caused by Association tree roots and limbs?

140 South Beach Street
Suite 310
Daytona Beach, FL 32114

10752 Deerwood Park South
Waterview II, Suite 100
Jacksonville, FL 32256

Woodland Corporate Center
8270 Woodland Center Blvd
Tampa, FL 33614

Answer: Homeowners are responsible for damage to their property because homeowners have the right to cut back roots and limbs to prevent tree root and limb damage. As noted above, Florida law places this responsibility on the property owner who is affected, not the tree owner. This is why your neighbor cannot make you pay for the cost of removing your tree if it falls onto their property during a hurricane. Instead, you are responsible for the part of the tree on your property and they are responsible for the portion on their land.

Question: Does the Association trim its trees?

Answer: Yes, the Association trims back the canopy to make sure there is clearance for cars and pedestrians. The Association may also treat or remove dead, dying, diseased or damaged trees upon recommendation of an arborist. If you believe an Association tree requires attention please notify the Association.

Question: Can the Association take over trimming back all Association tree limbs and roots that grow onto homeowner property?

Answer: The Association does not have the right, except in special circumstances, to go onto homeowner property to do such work. In addition, the added cost would cause a significant increase in assessments. Furthermore, different homeowners have different preferences regarding tree limbs growing over their property. Finally, there are insurance issues, especially if tree limb cutting damages a homeowner's property including, for example, their car.

Question: Do I need to let the Association know if I plan to cut back tree roots and limbs?

Answer: Yes. The Association adopted a policy asking that homeowners let the Association know of any plans to cut back tree roots and limbs. In some cases, the Association may undertake the work at its expense if its arborist or landscaping company recommends that the Association do the work. Please submit an architectural application to the Association.

Question: Who can I contact if I have additional questions?

Answer: You can reach out to the Association's community association manager. In addition, the Association's architectural committee reviews tree trimming applications.