



Ancala Homeowner's
Association

TREE/SHRUB POLICY **Revised 3-15-16**

Purpose

The purpose of the Ancala Homeowners Association (“HOA”) Tree Height / Trimming Policy is to ensure that trees and landscaping do not affect the safety of the Ancala community.

The policies set forth below apply to all homeowners in Ancala. It is each homeowner’s responsibility to notify the HOA’s Executive Director if such homeowner has any concerns regarding safety due to the growth of any tree in Ancala.

The HOA Board of Directors reserves the right, within the parameters set forth below, to apply these policies based on the facts and circumstances of each individual situation.

Potential Tree Trimming scenarios

I. Natural Area Open Space (“NAOS”)

- This policy applies to trees located in NAOS areas (both individual lots and common areas).
- The City of Scottsdale NAOS ordinances specifically prohibit the trimming of trees located in NAOS areas, unless such trimming is warranted due to:
 - potential health or safety concerns, or
 - other reasons expressly approved by the City of Scottsdale.
- If a homeowner believes that a tree in an NAOS area should be trimmed or removed due to a safety concern, then the homeowner (if the tree is located on the homeowner’s lot) or the HOA (if the tree is located in a common area) shall notify the City of Scottsdale.
- The City of Scottsdale will then determine whether the issue/concern warrants trimming of the tree, and if the City agrees with and so notifies the homeowner or the HOA, the homeowner will be responsible, at such homeowner’s cost, for trimming such tree, or the HOA if located in common area.

II. Ancala Country Club Property

- Trimming of trees located on the golf course or Ancala Country Club property must be accomplished by the club maintenance crew only. Homeowners can trim trees on their own property within the guidelines established in this policy.
- If a homeowner believes that a tree on Club property poses a health or safety concern, then such homeowner shall notify the General Manager of the Ancala Country Club and request that the Club perform an inspection of said tree to determine whether the concern warrants trimming of the tree.



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- Homeowners shall not trim any trees located on Club property; if such unauthorized trimming occurs, the City of Scottsdale Police will be called for trespassing and property damage. Individuals will be subject to both criminal and civil penalties including, but not limited to, correcting any damage including removal and replacement of the tree(s).

III. All Other Areas Within The Ancala Community

The policy set forth below applies to all trees located in the Ancala community that are not located in NAOS areas or on Club property.

- Trees affecting safety
 - It is each individual property owner's responsibility to use common reasonable prudence to maintain shrubs and trees on their own property so as to prevent injury to others or to the property of another. Each property owner is solely responsible for the costs associated with any of the trees or shrubs on his/her property including the routine maintenance or removal, replacement or trimming of trees and shrubs.
 - Each homeowner shall be responsible, at such homeowner's cost, for trimming any tree located on such homeowner's lot that poses a potential safety issue. Such safety issues include, but are not limited to, trees that block views of vehicular traffic, extend into any roadway, overhang a neighboring homeowner's home, or lean on such homeowner's own home.
 - Trees affecting vehicular traffic or blocking the passage of motor vehicles must be trimmed to a minimum height of 14 ft. above street level.
 - Where trees/shrubs present a safety or health hazard, the Association will notify the appropriate property owner(s) so that the issues can be resolved.
- Trees not affecting safety
 - Trees that do not present a safety concern will not be required to be trimmed and may grow to their natural height (which will provide shade for the surrounding property and offer a picturesque view for the Ancala community).
 - Property owners have certain duties to maintain and utilize their properties so that it does not constitute a nuisance for either (i) other property owners or (ii) the public. This includes regular trimming and pruning so that a nuisance is not created, as well as to maintain the property's value. Moreover, Nuisance, in this context, being generally understood as a "substantial interference with the right to use and enjoy the land."
 - Trees and shrubs can bring disharmony between neighbors when branches or roots encroach on the land of another or interfere with views. Arizona has no statute that addresses tree encroachment; however, Arizona, like most other states, follows the common law which provides that a property owner has no right to protection of



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- views, except in rare cases where a view easement is recorded with the property deed.
- The Association will have responsibility for trees and shrubs in the common areas.
 - The Association does not evaluate neighbor disputes or enforce agreements reached between neighbors related to tree/shrub trimming or view blockage issues. Nothing contained in this Policy is meant to replace any resolution of differences reached between neighbors acting in good faith.