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2011 Louisiana Laws

Civil Code

CC 688 — Branches or roots of trees, bushes, or plants on neighboring property.

Universal Citation: [LA Civ Code 688](#)

Art. 688. Branches or roots of trees, bushes, or plants on neighboring property.

A landowner has the right to demand that the branches or roots of a neighbor's trees, bushes, or plants, that extend over or into his property be trimmed at the expense of the neighbor.

A landowner does not have this right if the roots or branches do not interfere with the enjoyment of his property.

Acts 1977, No. 514, §1.

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While the Louisiana Civil Code provides guidance, it does not answer every question. Under the Civil Code, “a landowner has the right to demand that the branches or roots of a neighbor’s trees, bushes, or plants, that extend over or into his property be trimmed at the expense of the neighbor.” La. Civil Code Art. 688. Nevertheless, the right to “demand” that the problem be addressed is not a “license to cut;” and does not permit a landowner to cut without permission. *Kahl v. Luster*, 110 So.3d 1101 (La. App. 1 Cir. 12/28/12).

In the event a neighbor is less than neighborly and refuses to trim back a trespassing branch, a landowner may bring an “injunction” against his neighbor. Such an action was involved in *Scott v. Ramos*, 399 So.2d 1266 (La. App. 4 Cir. 1981) where the defendant/neighbor’s large oak tree extended over the plaintiff’s property and deposited leaves and branches onto his roof and into his yard. In defense of the action, the defendant presented evidence that cutting the tree back to the property line would essentially kill the tree. Over these objections, the Louisiana Fourth Circuit Court of Appeal granted plaintiff a permanent injunction which required the defendant neighbor to “keep the tree, its limbs and branches cut” back to the property line. Further, the court ordered that defendant reimburse the plaintiff for the cost of removing leaves and fallen debris once a year.

So, should your neighbor’s tree ever present a hazard or impede on the enjoyment of your property, there are means of relief. However, gassing up your chainsaw, without your neighbor’s permission, is not one of them.

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