

# A TREE MANAGEMENT ORDINANCE FOR HUNTSVILLE, ALABAMA

by Charles C. Weber

Defying the initial odds, the City Council of Huntsville, Alabama, adopted a Tree Management ordinance in August 1981, by a vote of 5 to 0. All the indicators said "No." No city would pass a Tree Ordinance in 1981, because of the general political climate; because of tight budgets; because the cash flow of the construction industry is trapped in a very real three-way squeeze between inflation, high interest, and illiquid assets, and builders and developers resist any moves toward more permits and inspections.

The secret of success lay in the approach, and in choosing realistic goals for the ordinance. After years of hesitation, the City's Beautification Board designated a committee to draft and propose an ordinance. Its chairman was a public relations officer, and its technical consultant was the Alabama Forestry Commission's urban forester for north-east Alabama. Using an approach borrowed from the American Forestry Association, the committee expanded itself to include representatives from every possible group — civic associations, an architect, a lawyer, builders, the telephone and utility companies, the Extension Service, historical districts, and of course the City's legal, engineering, planning, and parks department — in fact, anyone who would talk and listen was encouraged to participate. The initial goals were to find areas of agreement, and to get differences of opinion into the open.

The next step was to look at what other cities have enacted, from the highly regulatory ordinances in some Eastern and Great Lakes Cities to the milder statements of intent common among smaller cities. Early in this phase a rift developed — the only significant division of opinion to emerge. Among the ordinances examined was a composite developed by a Forestry Commission staffer, meant more as a menu than as a diet; this attracted the suspicion of the city's homebuilders, and despite their earlier support, their representative declined to participate further, and the spec-

tre of opposition hovered over the proceedings until the moment of the vote.

The ordinance moved through four drafts, with each change smaller than the ones before. The fundamental compromise surrounded ownership of right-of-way trees and responsibility for their care. In general, people want their utilities delivered on schedule, and the public is entitled to use rights-of-way with a minimum of inconvenience from roadside trees. But tree-trimming requests that begin as, "Would you please get **your tree** (i.e., the City's tree) off the wires to my house?" often become "Get your truck out of my yard, and your saw out of **my trees**."

firms that right-of-way trees generally belong to the landowners, not the City (although a tree planted by the City has a different legal status); that tree removals by the City or its Utility Company must conform to standards that acknowledge the landowners' interests; and that maintenance work done on such trees need not have the owners' consent, but must meet adopted standards.

The next question is, "Whose standards?" The ordinance established a Tree Commission on a very small budget, and its first order of business is to develop standards for adoption by the City Council. Likely candidates are those of the National Arborist Association and the International Society of Arboriculture (and its Utility Arborist Association). A second set of standards to be adopted concerns protections and clearances; and a third involves suitable and unsuitable tree species for planting in various situations.

The Tree Commission relies on community involvement, rather than "throwing money at the problem." Using specialists from various fields and at-large members from diverse parts of the community — all on an unpaid basis — the Tree Commission has a large enough budget for stationery, postage, some computer time, and little else. The austerity program insures that the Tree

Commission will not undertake more (particularly in the way of tree planting) than the City can afford to maintain. But it also allows the City to use an urban tree inventory system, accessible through its data processing section, to detect problems and to propose solutions in the Tree Commission's annual tree-management plan.

Other duties of the Tree Commission include coordinating an annual Arbor Day observance, general public education about local tree problems, and monitoring local tree-service companies to insure that they hold state professional licensure before they are granted City business licenses.

The Commission also has authority to participate in other projects, such as recycling of tree-maintenance residues, encouragement of private and public tree-planting projects, and technical assistance to developers that request help in developing naturally-wooded areas.

Like most other tree ordinances, Huntsville's defines several offenses related to trees on public land and rights-of-way. Most of these deal with intentional abuse or negligent construction practices, but penalties are oriented toward restitution rather than simple punishment.

To have proposed a system of permits and in-

spections would have doomed the whole effort to failure, as some well intentioned groups in other cities have discovered. The death of a proposed tree ordinance is not just a return to Square One: it can poison the water indefinitely, obscuring the tree problems that can cost a community thousands, sometimes millions, of dollars.

One seemingly minor innovation involved the title of the ordinance. Early drafts bore the phrase "tree protection" but it became clear that "protection" not only failed to do justice to the scope of the ordinance, but even misrepresented its intent and unjustly prejudiced anyone suspicious of the committee's intentions. The title "tree management ordinance" fit better and avoided these problems, and so was chosen.

There is much to be said for cutting out administrative overhead. But there is still plenty of work to be done at the level where the trees grow, and Huntsville can be justly proud of having seen this truth and joined hands for the common good.

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## ABSTRACT

CHAPMAN, DOUGLAS. 1980. **Honeylocust grows rapidly, provides open shade for turf.** Weeds, Trees & Turf 19(12): 23-24.

Honeylocust is an outstanding urban tree. It has been overused, leading to increased reports of insect and disease problems. If not overused (diversity — no more than 5 percent of the same tree specimen in the community), insect and disease problems will not be significant. If overused, borers and many other problems will crop up. This did happen with 'Moraine' honeylocust in the 60's, but with a shift of emphasis and more knowledgeable urban foresters, landscape architects, and horticulturists, this plant is again becoming a desirable tree for city streets, large area landscapes, parks, and home landscapes. Its ability to compete with turf, providing open shade and the fine texture make it outstanding. Its rapid rate of growth is certainly another desirable characteristic. In fact, it is not uncommon to see this vigorous tree grow 2 to 3 feet annually the first 10 years planted in the landscape. There have been some pest problems, but if our rule of diversity in any landscape is maintained, this tree has a place in difficult sites for most urban landscapes.