

ORDINANCE NO. 26-564

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that the Code of Ordinances of the City of Huntsville, Alabama (hereinafter referred to as “City Code”) is amended as follows:

Section 1. Chapter 2, Article VIII, Division 8 is hereby amended to read as follows:

DIVISION 8. HUNTSVILLE TREE COMMISSION

Sec. 2-1451. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted standards means those standards of tree maintenance, trimming clearances, and methods of protecting trees during construction, adapted from recognized national standards (such as the National Arborist Association, International Society of Arboriculture, etc.) recommended for local adoption by the tree commission and ratified by the city council.

Owner means the possessor of title to the land on which particular trees stand, or his agent; in the case of a tree on public rights-of-way, utility easements or land on which another public interest has been granted, ownership rights and responsibilities are as defined in section 27-52 in the absence of other specific provisions by deed or other binding agreement.

Public land means any land belonging to the city. For the purposes of this definition, federal, state and county land is excluded from this category unless the city has specifically assumed responsibility for its maintenance.

Shrub. See Trees and shrubs.

Trees and shrubs means all woody vegetation, whether naturally occurring or planted. Rights, responsibilities and standards applying to trees shall, from a legal standpoint, apply to shrubs as well.

Tree bank means a noncommercial nursery where trees and shrubs are maintained for transplanting to school grounds or to other public lands or public rights-of-way, utility easements, or land on which another public interest has been granted.

Tree commission means the Huntsville Tree Commission which is a committee of the City of Huntsville comprised of the City Arborist and other members as defined in Chapter 2, Article VIII, Division 8 sec. 2-1455, or any individual assigned or contracted by the tree

commission, acting in pursuit of the objectives of this division within its scope and within the bounds of law.

Tree removal, commercial, means commercial practices, including pruning of trees, and removal of trees in the following situations: trees on property approved for occupancy by the inspection department, trees being removed under contract in the course of utility or right-of-way maintenance, or trees being removed by any person who receives compensation commercially. This shall not be construed to include bona fide loggers, individuals personally removing or working on trees on their own land, or heavy equipment operators whose work may include whole tree removal as a normal element of site preparation.

Tree service, commercial, means commercial practices, including pruning, cavity filling, wound treatment, bracing, cabling, and other repairs; the feeding of trees; protection of trees from lightning, insects and disease. For the purposes of this definition, any licensed commercial tree service operator shall be authorized to provide tree removal services as defined in this section.

Utility, private, means a commercial service distributed by use of the public streets, alleys and easements of the city by use of the facilities and fixtures located in such places but not regulated by the state public service commission.

Utility, public, means a service distributed by wire, pipe or airwaves to customers and either regulated by the state public service commission (as in the case of telephone service) or not regulated by the state public service commission but established as a municipal utility (as in the case of water, electric, and gas service).

Sec. 2-1452. Created. The Tree Commission is created.

Sec. 2-1453. Membership.

(a) The Tree Commission shall consist of eight voting members and nonvoting ex officio members as follows:

- (1) One employee of the city's utility company having knowledge of both engineering problems and tree maintenance problems;
- (2) One professional arborist, botanist or horticulturist employed by an agency of government or an educational institution having knowledge of urban forestry problems and licensed as required in the state for the conduct of his profession;
- (3) Two professional members such as licensed tree service operators, licensed architects or landscape architects, licensed landscaping contractors or others as appropriate (hereinafter referred to as "professional member(s)");

- (4) Four other voting members selected at large from the residents of diverse parts of the city and chosen for their knowledge of, concern about and participation in issues affecting the city's tree population; and
 - (5) As nonvoting ex officio members, representatives of the departments of community development, recreation and landscape management, public works services, parking and public transit, the inspection division and the city arborist.
- (b) The utilities employees shall be appointed by the general manager of the utility company; the arborist, botanist or horticulturist shall be appointed by the city council; one professional member and two at-large members shall be appointed by the mayor. One additional professional member and two additional at-large members shall be appointed by the city council.
 - (c) All terms of office of voting members shall be two years, except that the initial terms of the professional and at-large members shall be staggered according to the direction of the appointing authorities. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as the original appointments were made. Members will continue to serve after the expiration of their appointed terms until replacements are made and installed.
 - (d) Any member who fails to attend more than three regular meetings within a 12-month period, without justification satisfactory to the remaining members of the commission, will be considered to have resigned his appointment and will be replaced for the balance of his term by the appointing authority.
 - (e) All appointed members will serve without pay though the city may choose to reimburse members for out-of-town travel in the line of duty and other expenses incurred with prior consent of the mayor's office.

Sec. 2-1454. Meetings; officers.

The Tree Commission shall conduct regular meetings and other called meetings as needed. It shall make its own rules of order, keep records of its proceedings, and annually elect from its voting members a chairman, vice-chairman, recording secretary, and such other officers as it may deem necessary. A majority of its voting members shall constitute a quorum for the transaction of business. Meetings shall comply with Ala. Code § 36-25A-1 et seq, otherwise known as the Alabama Open Meetings Act.

Sec. 2-1455. Duties.

- (a) The Tree Commission shall:
 - (1) Study problems involving the city's tree population, determine needs, and seek ways to implement needed work;

- (2) Recommend standards of tree maintenance and other specifications such as to foster the city's tree population, protect persons and property against injury, provide for safe and efficient passage of persons, vehicles and utilities through recognized rights-of-way;
 - (3) Act as the board of appeals, to review contested decisions and actions of the city arborist;
 - (4) Assist the community and its officials in disseminating information about protection, maintenance and improvement of the city's tree population;
 - (5) Propose such legislation as may be needed and practicable to pursue the end for which the Tree Commission was created;
 - (6) Plan and coordinate an annual Arbor Day observance each year in cooperation with schools, conservation organizations, and other interested parties; and
 - (7) Monitor the licensure of tree service companies practicing in the city and initiate action toward enforcement of this division and chapter 27, article II.
- (b) The Tree Commission may undertake and participate in cooperative projects, including but not limited to the following:
- (1) Recycling of leaves, chips, firewood, logs and other byproducts of tree maintenance;
 - (2) Development of tree planting systems in conjunction with other public and/or private agencies;
 - (3) Development and use of a tree bank in cooperation with other public and/or private agencies;
 - (4) Promotion of the botanical garden for the city;
 - (5) Education of the public concerning tree maintenance;
 - (6) Providing technical advice and assistance to developers, builders, contractors, etc., in the selection and protection of naturally occurring trees during the development of wooded areas; and
 - (7) Communication with such professional and technical services as it may see fit within the scope of this division.

Sec. 2-1456. Priorities.

- (a) The Tree Commission shall assist the city arborist in developing an orderly process for identifying public tree needs, including, but not limited to, maintenance, removals,

planting, replacement and public education, and shall be empowered to purchase or contract for needed products and services within the city's normal fiscal limitations.

(b) The Tree Commission shall establish priorities for reports made by the city arborist.

Sec. 2-1457. Budget.

The budget for all technical and administrative activities planned for the Tree Commission shall be developed by the city arborist. The city council will appropriate funds for the same as items in the landscape management department budget.

Sec. 2-1458. Authorization to conduct financial transactions.

The Tree Commission is empowered to accept and use donations to obligate authorized public funds and to conduct other financial business in conformity with established procedures of the city in the proper conduct of its assigned work.

Secs. 2-1459—2-1480. Reserved.

Section 2. Severability. The severability provisions of section 1-8 of the City Code shall apply to this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon its adoption, approval and publication.

ADOPTED this the 9th day of July, 2026.

/s/ Jennie Robinson
President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 9th day of July, 2026.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama