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## Step Away From the Clippers

**New Laws To Protect Trees  
 Complicate Homeowners' Lives;  
 Saving the Persimmon**

By **SARA LIN**

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As the number of trees declines across the country, new pruning and removal regulations are causing problems for homeowners.


Efforts range from stringent new laws that define excessive trimming as "tree abuse," to tighter restrictions on what people can and can't do to the greenery in their own yards. This month, the Bellevue, Wash., city council began requiring homeowners with major renovation or teardown plans to preserve at least 30% of the trees on their property. In Ringwood, N.J., residents must now apply for a permit to remove even a single tree from their property -- and prove to a town inspector that there's a good reason to do it. And in Arroyo Grande, Calif., city officials passed an ordinance in September that makes severe pruning a misdemeanor.

Most of the latest ordinances are meant to discourage housing developers from razing whole groves of trees. But increasingly, individual homeowners are also being targeted, in part because trees on private property can account for a majority of a city's tree cover. In some cases, however, conflicting requests from municipal agencies are turning residents with good intentions into tree-trimming scofflaws.

Analyses of three dozen American cities by American Forests, a Washington D.C.-based nonprofit, have found that most had lost more than one-quarter of their tree canopies since 1972. Last year, an estimated 10 million acres of U.S. forest land were lost to wildfires alone, according to the federal National Interagency Fire Center. The impact of extensive tree loss can be substantial, experts say. Trees help prevent soil erosion and flooding, filter pollutants from the air, and help to cool densely developed areas.

The new rules are causing a backlash in some areas and forcing local governments to reconsider their policies. And some well-meaning homeowners are running afoul of city laws despite their desire to comply with them. A couple in Glendale, Calif., faced a \$347,600 fine from the city this summer for pruning some of the towering oak trees and sycamores on their property, even though they were ordered to do so by the fire department.

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 **1 ONLINE TODAY**

Researchers say it makes sense that communities are becoming more tree-conscious. Shoppers spend an

• [Graphic: The Dwindling Urban Forest<sup>2</sup>](#)

average of 12% more and linger longer on tree-lined streets, according to studies by Kathleen Wolf, professor of urban forestry at the University of

Washington. Research also shows that where there are trees, there's less crime, she says.

"Cities didn't care about trees for a long time. Now they're high on the priority list," says Victor Merullo, a tree law attorney based in Columbus, Ohio.

In April, as part of his PlaNYC initiative to promote environmentally responsible growth, New York City Mayor Michael Bloomberg announced a plan to plant one million city-tolerant trees by 2017, including ginkgos, honey locusts and dawn redwoods. And last month, Los Angeles Mayor Antonio Villaraigosa reiterated a similar plan, introduced last year, to add one million new trees to the city's concrete-laden landscape.

### Conflicting Requests

In June, Mike and Ann Collard hired a company to remove limbs from 11 soaring oaks and two sycamores that surround their home in Glendale, Calif.; a city fire inspector told them that some of the branches were fire hazards because they hung too close to the roof. What the couple didn't know was that three months earlier, the city council had revised its tree ordinance to include substantial penalties for pruning protected trees without a permit, and doubled the fines for illegally cutting them down.

The city slapped the Collards with a \$347,600 fine. "It may as well have been \$3 million. There's no way we could pay that," says Mr. Collard, a software designer whose wife gave birth to their third child in August.



**Eric Haura had a choice:** trim his live oak or lose his insurance policy. But he was denied a city permit.

They won't have to. Last week, the Collards met with Scott Howard, the Glendale city attorney, who told them the city was dropping the fine altogether. For the most part, the ordinance was intended to dissuade developers from treating the fines as a cost of doing business, Mr. Howard says. "There wasn't a lot of debate about how [it] will affect an average homeowner." The law is currently being reviewed by the city council.

Last year, Tampa, Fla., resident Eric Haura found himself in a similar bind. The 39-year-old oncologist was told by his insurance company that he had a choice: cut down an 80-foot-tall live oak on his property, or lose his insurance policy. The tree had a limb hanging over the roof of his three-story house that could cause extensive damage if it came down in a storm, the insurer said.

Dr. Haura applied for a city permit to remove the tree and was denied: Live oaks over 34 inches wide (his measures 40 inches) are protected by Tampa's tree ordinance, along with large pines, elms and maples. "We were about to start another hurricane season, my insurance was lapsing, and no one really wanted to help me out," recalls Dr. Haura. "It was not a fun position to be in."

Finally, after three months of pleading with his city-council representative and his insurance company, Dr. Haura convinced both parties to accept a compromise recommended by an independent certified arborist: Dr. Haura would fertilize the live oak regularly to keep it healthy

and tether the limb in question to the main trunk with two steel cables.

Although the entire endeavor ended up costing him a bundle (arborist, \$800; fertilizer, \$100; cables, \$2,500), Dr. Haura says it was worth it. "The tree is a great tree," he says. "I didn't want to lose it."

As in Tampa, some cities are giving blanket protection to virtually all trees over a certain minimum trunk width. The Bellevue, Wash., regulation, which covers trees that are more than 8 inches wide, was enacted in response to a rash of large-scale remodeling projects and teardowns in the past five years.

"They were taking down every blade of green," says Grant Degginger, the city's mayor. "We wanted neighborhoods to be updated, but we didn't want to lose the character of the neighborhood and lose all of that tree canopy," he says.

The new regulation, which restricts for the first time the tree-removal rights of individual homeowners citywide, affects anyone who is redeveloping a property or expanding a home by more than 20%. Homeowners must preserve 30% of the existing trees, and cover at least 50% of the area in front of their homes with greenery such as shrubs or grass.

Other cities are defending even smaller specimens. For the past decade, San Antonio city officials have required permits to remove trees with trunks that are more than 8 inches wide. But in 2003, the city council amended their ordinance to include six species of small trees, including the Texas crabapple and persimmon, whose trunks rarely grow wider than six inches. "We have tree species that are very important to our urban forest for biodiversity, but they don't ever get big," says Debbie Reid, the city's arborist.

Although there appears to be a growing consensus that trees are valuable community assets, not everyone agrees on just how far to go to protect them. In April, John Hickenlooper, the mayor of Denver, tabled indefinitely a proposed ordinance that would have required homeowners to apply for a permit from the city forrester to chop down trees in their front yards. The proposal prompted critical editorials in both the Denver Post and the Rocky Mountain News, which called the ordinance a "misguided plan."

In Florida, at least six communities have enacted ordinances defining extensive tree trimming as "tree abuse." Coalition for Property Rights, a nonprofit based in Orlando, says the local municipalities have gone too far. "What's next?" says Carol Saviak, the group's executive director. "If you cut your lawn too low, will you be cited for grass abuse?"

Complaints about Atlanta's rigorous tree removal regulations prompted community leaders in June to relax them. Homeowners can now cut down one healthy tree every five years without having to pay steep compensation fees -- provided the tree is within five feet of a dwelling.

That won't help Ronnie Abellera. The 37-year-old attorney says he and his wife and their two small children sleep in the basement during windy storms because two 80-foot poplars on their property lean dangerously over their bedrooms. Mr. Abellera says he asked for permission to remove the trees a year ago, before the change in the ordinance, but was flatly rejected by the city arborist. "I'm a tree-hugger. I've done the Sierra Club thing," he says. "But these trees are a safety concern for me."

Unfortunately for Mr. Abellera, the two poplars are 10 and 15 feet from his house. "He has the option to appeal to the tree board," says Ainsley Caldwell, arboriculture manager for the city of Atlanta.

### The Unkindest Cuts

Professional arborists say improper pruning can shorten the life of a tree or even kill it. Here are some common methods that are highly discouraged -- and even illegal in some cities.

THE METHOD	THE DAMAGE
<b>Hatracking</b>	Lopping off major structural branches to reduce the overall size. "You don't remove structural walls in homes. Same thing for trees," says Kathy Beck, natural resources supervisor for the city of Tampa, Fla.
<b>Topping</b>	Cutting the main upright stem of a tree to prevent it from growing taller. If you top a tree, "it eventually kills the tree," says Ainsley Caldwell, Atlanta's arboriculture manager.
<b>Flush Cutting</b>	Trimming a limb too close to the main trunk, which leaves the tree more susceptible to insects and disease. Most trees will survive a single flush cut, but several flush cuts can kill a tree, Mr. Caldwell says.
<b>Tipping</b>	Trimming off the tips of branches to shape a tree. "The tree will survive, it will bounce back, but we don't encourage it," Mr. Caldwell says.
<b>Lion Tailing</b>	Cutting off all of the inner lateral branches along a single branch but leaving a small cluster at the end to create the appearance of a bushy tail. "Honestly, I don't know why people do it. It's just not a good practice," Mr. Caldwell says.

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