

ORDINANCE 2023-13

**AN ORDINANCE AMENDING SECTIONS OF THE VILLAGE
CODE RELATED TO TREE PRESERVATION**

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES
THIS 13TH DAY OF APRIL 2023**

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CODE RELATED TO TREE PRESERVATION**

Whereas, Local authorities are granted the authority to regulate the tree planting and maintenance within their jurisdiction and,

Whereas, The Village Board of Indian Head Park deems it in the public interest to regulate the tree planting, tree maintenance and tree preservation in the Village,

Now, therefore be it ordained by the President and Board of Trustees of the Village of Indian Head Park, Illinois as follows;

Section 1

The language in Chapter 38, Article 2 is removed and replaced with the text in Exhibit A of this Ordinance

Section 2

This Ordinance will take effect immediately upon its passage, approval and publication in pamphlet form.

Passed this 13th day of April 2022, and published in pamphlet form.

	Aye	Nay	Absent	Abstain
Trustee Donnersberger	x			
Trustee Eck		x		
Trustee Farrell-Mayer	x			
Trustee Kennedy	x			
Trustee Metz	x			
Trustee O'Laughlin		x		
Mayor Hinshaw (if necessary)				



Tom Hinshaw, President
Village of Indian Head Park

Attest:



Sharon Allison, Village Clerk
Village of Indian Head Park

EXHIBIT "A"

ARTICLE II. TREE PRESERVATION

Sec. 38-44. Definitions

ARBORIST	Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g. International Society of Arboriculture.
BUCKTHORN	An undesirable exotic invasive ornamental shrub introduced to North America. This species inhabits woodlands and savannas where it dominates the landscape prohibiting the development of native trees and plants. There are six species of buckthorn listed in the Illinois Exotic Weed Act, which prohibits the sale, distribution or planting of this species, <i>Rhamnus cathartica</i> , <i>davurica</i> , <i>frangula</i> , <i>argula</i> , <i>utilis</i> , and <i>japonica</i> .
CANOPY	The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.
CRITICAL ROOT ZONE	An area on the ground extending out from the trunk of the tree in all directions a distance of at least one foot for every inch DBH
DECIDUOUS TREE	A deciduous tree is one that loses most or all of its leaves for part of the year.
DIAMETER AT BREAST HEIGHT	The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This forestry standard measurement is used for established and mature trees and is referred to as "DBH". All reference to diameter size shall be to the DBH.

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EVERGREEN TREE	A tree that retains most of its leaves for most of the year.
FORESTER	An individual trained and experienced in the profession of forestry who has a forestry degree from an institution of advanced education.
INFRASTRUCTURE	The basic underlying framework or features that provide collective services, including but not limited to roads, waterlines, stormsewers, bioswales, and trees.
INVASIVE SPECIES	An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g. buckthorn).
LANDSCAPE CONTRACTOR	A company or individual contracted to perform landscape services.
LANDSCAPING PROFESSIONAL	A registered landscape architect, horticulturalist or other similarly degreed, experienced and/or licensed plant professional.
Preferred Tree List	A listing of tree species, that are recommended for planting in Village Right-of-Way.
Public Tree	Any tree located on or within the public right-of-way easement or on Village owned property.
Transplanting	The removal of any tree for replanting elsewhere.
Tree	Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
Tree Permit	A written authorization from the Village authorizing the applicant to conduct work which may or may not impact a tree.

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Tree Removal The cutting down, destruction, removal or relocation of any tree, including damaging by poison or other direct or indirect action.

Viable A tree, which in the judgment of the Village , is capable of sustaining its own life processes, unaided by humans, for a reasonable period of time.

Sec. 38-45. Purpose and intent.

This Section of the Code is structured to preserve, protect and enhance critical infrastructure – the urban forest that is located on public land. The complete urban forest is comprised of trees across all land uses and ownership. This Section will regulate public property trees but recognizes that trees on private property are part of the collective community resource.

The purpose of this Section is to recognize the services and function that trees provide as a collective asset to the entire community and to state the goals of the Village with respect to the protection, preservation, care and planting of trees on public lands.

Specific goals of this section are to:

- A. Protect, preserve and enhance the quality of life and general welfare of the Village , its residents, and property owners; and conserve and enhance the Village ’s natural, physical and aesthetic environment.
- B. Preserve, protect and enhance the urban forest to ensure that trees are properly planted and maintained within the Village so that trees can protect, enhance and preserve the quality of life for people within the Village.
- C. Recognize that trees are an integral part of the infrastructure of the Village and as such should be preserved, protected and cared for as other critical Village infrastructure.
 - a. Trees absorb pollution from the air;
 - b. Trees absorb and sequester carbon dioxide;
 - c. Trees absorb and filter pollution from stormwater run-off;
 - d. Trees produce oxygen;
 - e. Trees reduce flooding;
 - f. Trees stabilize soils and reduce erosion;
 - g. Trees cool the surrounding area helping to reduce impacts due to heat islands;

- h. Trees reduce energy consumption by shielding structures from harsh winds and sun;
 - i. Trees provide a buffer and screen against noise, light and pollution;
 - j. Trees improve property values;
 - k. Trees improve commercial district buyer traffic;
 - l. Areas with trees have higher levels of community interaction;
 - m. Trees provide important habitat for birds and other wildlife; and
 - n. Trees protect and enhance our quality of life.
- D. Trees provide the Village collective benefits that extend beyond property boundaries throughout the entire Village.
- E. Recognize that some trees may have a condition that constitutes a threat, danger or nuisance to the public or property within the Village or may be dangerous to the health of other trees and vegetation in the Village.

The purpose and intent of this article is as follows:

- (1) Maintaining and preserving mature trees within the village on both public and private property;
- (2) Promoting the zoning and development of property within the village in such a manner to maximize aesthetic values and the preservation of the natural and wooded characteristics of the village;
- (3) Promoting the public health, safety and general welfare, including, but not limited to, the reduction of noise and air pollution and drainage problems and the preservation of natural resources;
- (4) Defining and limiting the powers and duties of the administrative officers and bodies as provided in this article and setting forth a permitting process for the removal of trees with the village.

Sec. 38-46. Prohibited trees.

The planting of the following trees on public property is prohibited:

Common Name	Botanical Name
Box Elder	Acer negundo
Silver Maple	Acer saccharinum
Tree of Heaven	Ailanthus glandulosa
Catalpa	Catalpa (all species)
Black Walnut	Juglans nigra
Common Mulberry	Morus alba
Cottonwood	Populus deltoides
Black Cherry	Prunus serotina
Black Locust	Robinia pseudoacacia
Willow	Salix (all species)

Chinese Elm	Ulmus chinensis
Poplar	Populus

Common Name	Latin Name
American Chestnut	Castanea Dentata
American Elm	Ulmus Americana
Amur Maple	Acer Ginnala
Austrian Pine	Pinus Nigra
Black Ash	Fraxinus Nigra
Black Locust (Common Locust)	Robinia Pseudoacacia
Black Poplar	Populus Nigra
Blue Ash	Fraxinus Quadrangulata
Butternut (White Walnut)	Juglans Cinerea
Callery Pear	Pyrus Calleryana
Crabapple Cultivars (Crabapple, Flowering Crab, Flowering Crabapple)	Malus
European Ash (Common Ash)	Fraxinus Excelsior
European Black Alder (European Alder, Common Alder)	Alnus Glutinosa
European White Birch (Silver Birch, Warty Birch, Weeping Birch)	Betula Pendula
Green Ash (Red Ash)	Fraxinus Pennsylvanica
Hedge Maple (Field Maple)	Acer Campestre
Himalayan Birch (White-Barked Himalayan Birch)	Betula Utilis (Betula Jacquemontii, Betula Utilis Var Jacquemontii)
Moor Birch (Eurasian Paper Birch)	Betula Pubescens
Norway Maple	Acer Platanoides
Pin Cherry (Bird Cherry, Wild Red Cherry, Fire Cherry)	Prunus Pensylvanica
Pin Oak	Quercus Palustris
Pumpkin Ash	Fraxinus Tomentosa
Red Pine (Norway Pine)	Pinus Resinosa
Scots Pine (Scotch Pine)	Pinus Sylvestris
Siberian Elm (Chinese Elm, Littleleaf Elm)	Ulmus Pumila

Sitka Spruce	Picea Sitchensis
Slippery Elm	Ulmus Rubra
Sweet-Gum (American Sweet-Gum)	Liquidambar Styraciflua
Tree of Heaven (Paradise Tree)	Ailanthus Altissima
White Ash (American Ash)	Fraxinus Americana
White Poplar (Silver Poplar, Silver-Leaved Poplar)	Populus Alba

Sec. 38-47. Removal of trees without permit prohibited.

Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without a written permit from the village to remove, cut, break, otherwise injure or destroy, or undertake any procedure the result of which is to cause the death or substantial destruction of any tree with a DBH of six inches or greater.

Sec. 38-48. Tree removal permit.

- (a) Permits authorizing the removal of trees may be issued by the village in accordance with, but not necessarily limited to, the following conditions:
 - (1) When removal is necessary to observe good forestry practice, with consideration given to the species of the tree, location, conditions, age, safety, historic and aesthetic value of the tree, and optimizing the number of healthy trees a given parcel of land will support; or when such removal is in accordance with a village approved landscape management plan.
 - (2) When the tree, due to natural circumstances, is dead or irreversibly declining, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility service, creates unsafe vision clearance, or constitutes a health hazard. In instances where a permit is sought pursuant to this subsection, and where no additional services or inspections are required by the village, the fee for a tree removal permit will be waived and no tree survey will be required.
 - (3) When a tree is located within the original buildable area of a lot as defined under the terms of chapter 42. Neither the replacement requirements of section 38-49 nor the permit fee of section 38-50(5) shall apply to the removal of any tree under this subsection, unless the corporate authorities impose such requirements as part of an application for variance or other zoning relief under chapter 42.
- (b) ~~The director of administration and public safety~~ Village Administrator or their Designee shall be authorized to issue permits pursuant to this article, with the input of the superintendent of public works and the village engineer, as the ~~director~~ Village Administrator deems necessary.

Sec. 38-49. Tree replacement requirements.

When issuing a permit authorizing the removal of a tree, the village may require replacement of the tree so removed in accordance with the following minimum standards: any tree having a DBH of not less than six inches but not greater than ten inches shall be replaced with a new tree having a DBH of one to 1½ inches, and any tree having a DBH of greater than ten inches shall be replaced with a new tree having a DBH of not less than two inches. The village shall approve all species of trees to be planted on the property when the planting of replacement trees is required pursuant to this article. In instances where a permit authorizing the removal of a tree is issued by the village, and the village requires replacement of the removed tree pursuant to this section, the permit fee otherwise required by this article shall be waived.

Sec. 38-50. Permit application procedure.

Persons seeking a tree removal permit pursuant to this article shall submit their application in the form required and provided by the village. The village may require that an application pursuant to this article include any or all of the following:

- (1) A written statement indicating the reason for removal of the tree;
- (2) A general statement of the tree to be removed, including species and size;
- (3) A tree survey of the lot, showing the location and species of all trees of three inches DBH and larger;
- (4) A tree preservation plan indicating the trees to be preserved and the methods to be used to preserve such trees; and
- (5) A permit fee in the amount provided in the village fee schedule, except as otherwise expressly waived pursuant to the other provisions of this article. One permit application and the payment of one permit fee shall authorize the removal of all trees indicated in the permit, provided that all such trees are located on the same parcel.

Sec. 38-51. Permit issuance; appeal.

The village shall issue a permit upon approval of the application and payment of the required fee. The village shall render a decision on a permit application within ten business days of its receipt of a properly completed application. The village may extend this review period only for good cause and upon notice to the applicant. Any person aggrieved by any decision of the ~~Village Administrator~~ ~~director of administration and public safety~~, the department of public works, or the village engineer in the denial of any permit application or the enforcement of any terms or provisions of this article may, within ten days after the date of the decision, appeal to the mayor and board by filing a written notice of appeal with the village clerk. The notice shall set forth concisely the decisions and the reasons or grounds for the appeal. Reasonable notice of the hearing shall be provided by the village clerk to all adjacent property owners. The board may affirm, modify or reverse the decision. The decision of the board shall be final, and no petition for rehearing or reconsideration shall be available.

Sec. 38-52. Cash bond.

If tree replacement is required by this article, then as a condition of the tree removal permit, the village may require the applicant to submit a cash bond equal to the cost of the replacement trees and their installation. This bond shall be for the purpose of ensuring that the replacement trees are purchased and planted.

Sec. 38-53. Time limitations.

A permit shall expire and become null and void if work authorized is not commenced within 60 days from the date of the permit or if such work when commenced is suspended or abandoned at any time for a period of 60 days. If work has commenced and the permit becomes null and void or expires because of lack of progress or abandonment, a new permit for the proposed tree removal activity shall be obtained before proceeding with further work. The time limitations set forth in this section shall apply to the complete removal of the subject tree, including grinding or other removal of the tree stump to grade level.

Sec. 38-54. Exception for emergency removal.

If, because of a weather emergency or other casualty condition, a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the ~~Village Administrator the village director of administration and public safety~~, the village engineer, or the superintendent of public works and the tree removed without obtaining a written permit. Such verbal authorization shall be later confirmed in writing by the village. If none of the individuals referenced in this section are reasonably available, in the event of such an emergency, it shall be lawful to proceed with the cutting of a tree without permission to the extent necessary to avoid the immediate danger or hazard. In the event of the cutting of any tree under the provisions of this section, without the prior filing of a permit application, the person doing so shall, within 48 hours thereafter, report the action taken to the village and shall forthwith provide such information and evidence as may be reasonably required by the village to explain and justify the action taken.

Sec. 38-55. Tree protection.

If work is to be accomplished pursuant to a development or a building permit, the following tree protection measures shall be taken for the preservation of existing trees on the site for which a tree removal permit is not obtained:

- (1) Protective fencing is required for protection of any tree to be preserved in place within 15 feet of any construction or construction material or construction equipment storage and is to be shown on the tree preservation plan, notwithstanding property ownership delineations. All required protective fencing must be in place and approved by the village before a building permit will be issued. All fencing must remain in place during the entire construction. All fencing must be secured to metal posts driven into the ground and spaced no further than ten feet apart. Fencing shall not be removed or relocated unless authorized in writing by the village. The approved tree preservation plan shall be available on the building site before work commences and always during construction of the project. The general contractor shall be responsible for giving written notice of the tree preservation plan and tree removal permit to all contractors or subcontractors prior to their coming onto the site.
- (2) Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required by the village if necessary for preservation of the existing trees. These measures must be indicated on the tree preservation plan.
- (3) During construction, all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved in place shall be taken.
- (4) During construction, unless otherwise authorized by the tree preservation plan, no excess soil, additional fill, equipment, liquids or construction debris shall be placed within the root zone of any tree that is required to be preserved in its present location.
- (5) No attachments, fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any vegetation during the construction period.
- (6) All measures shall be taken to maintain the health of trees which are transported to the site.

Sec. 38-56. Penalty.

Any person found guilty of violating any provision of this article shall be subject to a fine of not less than \$100.00 nor more than \$750.00 for each offense. Each tree cut down, destroyed, removed or moved in violation of this article shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this article, all replacement requirements of this article shall be applied. The penalty provisions of this section shall not preclude the village from instituting a civil action in a court of competent jurisdiction to establish liability and

recover damages for any injury caused by the removal of trees in violation of this article, or a civil action to seek injunctive relief to enforce compliance with this article and to enjoin any violation or prevent irreparable injury to the trees or properties encompassed by the terms of this article.

Sec. 38-57. Compliance.

The ~~Village Administrator~~ ~~director of administration and public safety~~, the department of public works and the village engineer shall retain concurrent jurisdiction to ensure compliance with this article and shall have the right to issue a stop work order for noncompliance. No stop work order issued pursuant to this section shall be removed by the village unless the applicant has paid a re-inspection fee in accordance with the village fee schedule.

Sec. 38-58. New planned unit developments.

A new planned development is any planned development in which the public improvements and/or common areas have not yet been dedicated to the governing association of the development. Nothing in this article shall prevent the village from imposing different requirements for the removal or replacement of trees, including corresponding permit fees, in connection with a new planned development.

Sec. 38-59. Existing planned unit developments.

- (a) An existing planned development is any duly approved planned development within the village that does not qualify as a new planned development. Existing planned developments shall be exempt from the terms and conditions of this article, except as provided in this section.
- (b) Existing planned developments must comply with the following requirements:
 - (1) Any tree to be removed within the planned development shall be replaced in accordance with the following minimum standards: any tree having a DBH of not less than six inches but not greater than ten inches shall be replaced with a new tree having a DBH of one to 1½ inches, and any tree having a DBH of greater than ten inches shall be replaced with a new tree having a DBH of not less than two inches. The species or variety of replacement trees and the location of replacement trees shall be at the discretion of the governing body of the planned development. Nothing in this subsection shall require the replacement of a tree that which would not otherwise be required to be replaced under this article.
 - ~~(2) On or before April 1 of each year, each existing planned development must submit a tree landscape plan to the village on a form to be provided by the village, which sets forth the development's plans for the removal and replacement of any trees for the upcoming 12-month period.~~
 - ~~(3) On or before January 31 of each year, each existing planned development must submit a tree landscape summary report to the village on a form to be provided by the village, which shall include a summary of the tree removal and replacement activities within the development over the previous calendar year.~~
 - ~~(4) On or before January 31 of every year, each existing planned development shall pay to the village clerk an annual fee in the amount provided in the village fee schedule, provided that if the development has not removed any trees during the previous calendar year, the annual fee shall be waived for that year.~~

Sec. 38-60. Preservation of Public Trees and the Urban Forest Authority

- A. The Village shall make it a standing objective to train at least one internal staff member to become a certified arborist. If no member of Village staff is a certified Arborist then the Village shall contract with a certified arborist to provide direction and oversight of urban forestry practices within the Village for the proper care and management of the urban forest.
- B. The Village shall require that any Contractor, working for the Village who may interact or have impact on the Village public property urban forest utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities.
- C. It is recognized that diverse species structure of urban trees throughout the Village is critical to the health of the forest structure and protects the Village from catastrophic loss. All tree planting shall promote diversity of the Urban Forest and shall be conducted in accordance with the most recent edition of American National Standards Institute.
- D. It is recognized that diverse age structure of trees throughout the Village is critical to the health of the forest structure and protects the Village from catastrophic loss. Proper care and management of the urban forest is critical for increased longevity of urban trees and shall be in compliance with the most recent edition of American National Standards Institute.
- E. The Public Works Department and/or their designee, shall have full authority to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of ways, and other public property. No person shall hinder, prevent, delay, or interfere with the Public Works Department and their agents while engaged in carrying out the execution or enforcement of this Ordinance.

Sec. 38-61. Tree Planting on Public Land

- A. The Village shall plant and maintain a healthy diverse urban forest to improve the natural resources and quality of life for the residents living within the Village . Diverse species composition protects the Village from catastrophic loss.
- B. All trees planted by the Village or their agent shall be planted consistent with the most current edition of American National Standards Institute.
- C. Trees purchased by the Village shall be of a quality consistent with the most current American Standards for Nursery Stock as approved by the most current American National Standards Institute.
- D. It shall be unlawful to plant any tree or shrub in the public right-of-way, or on other publicly owned property or Conservation or Preservation Area, without prior written approval from the Village .
- E. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires.

Sec. 38-62. Tree Care

A. The Village shall provide a standard of care, in compliance with International Society of Arboriculture practices, where possible, for all publicly owned trees to enable these trees to live to maturity and provide maximum benefits. This would include but not be limited to:

a. At a minimum, have an established watering program for implementation during periods when natural rain fall is not adequate to meet the needs of newly planted trees. Newly planted trees are any trees planted within five years of the inadequate rainfall.

b. Have an established pruning program that places all publicly owned trees on a 5-7year pruning cycle. Pruning is to be accomplished under the direction of a certified arborist and in compliance with American National Standards Institute. Care should be taken to follow best management practices including but not limited to good sanitation practices to reduce spread of infectious conditions and restriction of pruning based on species needs, e.g. oaks should only be pruned when dormant.

c. It is recommended that during the pruning cycle, trees to be pruned be identified by species, size and location and be rated for health and hazard potential. A record of this report should be used as a guide for Village staff to address problems and provide care as needed.

d. All Contractors and Subcontractors performing work on public trees must provide proof of liability insurance in the amount of \$1,000,000 for all contractors and subcontractors who will be conducting tree work. The insurance must co-name the Village of Indian Head Park as additionally insured for the project.

Sec. 38-62 Preferred Trees

The Planting of the following trees on public property, particularly on public street right-of-way is preferred:

Common Name	Latin Name
Alder	Alnus Glutinosa
American Redbud	Cercis Canadensis
Amur Maackia	Maackia Amurensis
Apple - Crab	Malus Sylvestris
Apple - Edible	Malus Domestica
Arbor Vitae	Thuja
Birch River	Betula Nigra
Birch White	Betula Pendula
Blackgum	Nyssa Sylvatica
Buckeye - Red	Aesculus Pavia

Cherry - Ornamental	Prunus Avium
Dogwood - SPP	Cornus Florida
Douglas Fir	Pseudotsuga Menziesii
Eastern Redcedar	Juniperus Virginiana L. (Cupressaceae)
Elm - Chinese	Ulmus Parvifolia
Fir-Concolor	Abies Concolor
Golden Raintree	Samanea Saman
Hardy Rubber Tree	Eucommia Ulmoides
Hawthorn - Cockspur	Crataegus Crus-Galli
Hawthorn - SPP	Crataegus
Hazelnut - Turkish	Corylus Colurna
Hemlock - SPP	Tsuga
Hornbeam - American	Carpinus Caroliniana
Hornbeam - European	Carpinus Betulus
Hydrangea - Peegee	Hydranea Paniculata "Grandiflora"
Ironwood	Ostrya Virginiana
Juniper - Common	Juniperus Communis
Katsura	Cercidiphyllum Japonicum
Lilac - Shrub	Syringa Vulgaris
Lilac - Tree	Suringa Vulgaris
Magnolia - Saucer	Magnolia x Soufangeana
Maple - Amur	Acer Ginnala
Maple - Hedge	Acer Campestre
Maple - Japanese	Acer Palmatum
Maple - Miyabei	Acer Miyabei
Maple - Paperbark	Acer Griseum
Maple - Shantung	Acer Truncatum
Maple - Triflorum	Acer Triflorum
Mountain Ash	Sorbus Americana
Oak - Chinkquapin	Quercus Muehlenbergii
Oak - English	Quercus Robur

Oak - Shingle	Quercus Imbricaria
Pear - Edible	Pyrus
Persian Ironwood	Parrotia Persica
Pine - Austrian	Pinus Nigra Pinales
Pine - White	Pinus Strobus
Pine -Mugo	Pinus Mugo
Plum - SPP	Prunus Americana
Rose of Sharon	Hibiscus Syriacus
Sassafras	Sassafras Albidum
Serviceberry - SPP	Amelanchier
Seventh Son Flower	Heptacodium Miconioides
Smoketree	Cotinus Obovatus
Spruce - Blue	Picea Pungens
Spruce - Norway	Picea Abies
Spruce - SPP	Picea
Witch Hazel	Hamamelis Virginiana L.
Yellowwood	Cladrastis Kentukea
Yew	Taxus Baccata

The list of trees noted above are not an exhaustive list of trees allowed on public property, any tree that is not listed in Section 38-46 may be planted on public property.