

CITY OF WILMER, TEXAS

ORDINANCE NO. 10-0401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF WILMER, BY ADDING A NEW ARTICLE 1 TO CHAPTER #18 PROVIDING FOR THE REGULATION OF TREE CONSERVATION; AND PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, trees are a valuable amenity to the urban environment and serve to create greater human comfort by providing shade, cooling the air and otherwise tempering the effect of summer heat, thereby reducing the requirements for air conditioning and the subsequent depletion of scarce energy resources; and

WHEREAS, trees purify the air by filtering pollutants and dust and release oxygen into the air; and

WHEREAS, trees protect land and structures by reducing run-off, binding soil and minimizing flood damage; and

WHEREAS, trees are known to add dollar value to residential and commercial property and to increase income levels and tax revenues by attracting new business, industry and residents through improving a city's image; and

WHEREAS, the City Council of the City of Wilmer has determined that tree preservation is necessary to adequately protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS:

SECTION 1. That Chapter #18 of the Code of Ordinances of the City of Wilmer be and is hereby amended by adding a new Article 1, "Tree Conservation," attached hereto as Exhibit "A" and incorporated herein for all purposes.

SECTION 2. That all ordinances and provisions of the City of Wilmer, Texas that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 3. That if any section, paragraph, sentence, subdivision, clause, phrase or provision of this Ordinance or the Code of Ordinances, as amended hereby, be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of the City of Wilmer.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Wilmer, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

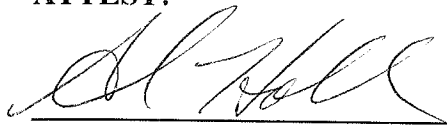
DULY ADOPTED AND APPROVED by the City Council of the City of Wilmer,
Texas on this the 1st day of April, 2010.

APPROVED:



Jeff Steele, Mayor

ATTEST:



Alice Holloway, City Secretary

EXHIBIT "A"

CHAPTER #18

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ARTICLE 1. TREE CONSERVATION

Section 18.01. Purpose and Intent

The purpose of this ordinance is to encourage the preservation of mature trees that once removed can be replaced only after generations, to preserve protected trees during construction and to control the removal of protected trees when necessary. It is the intent of this ordinance to achieve the following:

- Prohibit the indiscriminate clearing of property.
- Protect and increase the value of residential and commercial properties within the City.
- Maintain and enhance a positive image for the attraction of new business enterprises to the City.
- Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the City.
- Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.
- Help prevent erosion.

The City may issue a stop-work order for any development or construction project at any time if the tree preservation requirements within this ordinance are not being met. Efforts will be made to allow a developer or builder to comply before the project is shut down.

Section 18.02. Definitions

Critical Root Zone - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

DBH - Diameter-at-breast-height (caliper) is tree trunk diameter measured in inches at a height of 4 feet above the ground. If a tree splits into multiple trunks below 4 feet, the tree shall be measured in two places, the narrowest point beneath the split and ½ the sum of the calipers of the trunks immediately above the split. Whichever is the greater measurement is to be the measurement applied. If there is no single trunk above ground level to measure, the

measurement shall be the sum of the main trunk, plus ½ of all other branches of the calipers of the various trunks at 4 feet.

Drip Line - A vertical line run through the outermost portion of the canopy of a tree and extending to the ground.

Governmental Entity – Any political subdivision or unit of government having regulatory or supervisory authority over construction and development including the City of Wilmer, independent school districts, the State of Texas, Dallas County, the United States of America and federal agencies.

Multi-Trunk Tree - Tree with more than one trunk arising at or near the ground.

Protective fencing - Snow fencing, chain link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four-foot (4') approximate height.

Replacement tree - A self-supporting woody perennial plant listed on the *Approved Replacement Trees* (Appendix "B") grouping at the end of the ordinance, that is the same size as the tree which is removed or multiple trees of at least 4" DBH for large trees and 2" DBH for small trees, or greater, each when added together equal the diameter of tree removed, as approved by the Public Works Director and/or his/her designee. Replacement trees are designated "R" following the tree name in Appendix "B".

Tree, protected - A tree, the trunk of which has a DBH of 4" (approximate 12" circumference), for trees listed as large trees in Appendix B and 2" (approximately 6 inches in circumference) for trees listed as small trees in Appendix B.

Tree – A tree is a self-supporting, woody perennial with usually a solitary trunk or main stem. For the purpose of this ordinance, a tree shall include all trees listed as trees in Shummer and Mailer's "Illustrated Flora of North Central Texas" published by the Botanical Research Institute of Texas and authored by George Diggs, Barney Lipscombe and Robert O'Kennon."

Section 18.03. Inventory Requirements

Section 18.04. Development Plats and Site Plan Requirements

All development plats and site plans shall include a tree survey. The tree survey shall include the elevation of the trees, range of height and caliper of the trees, the predominant species within an area, and the general appearance of the trees with regard to health and location with regard to property lines. Individual trees which are healthy and have a DBH of four (4) inches or greater for large trees or DBH of 2" or greater for small trees or which are otherwise noteworthy because of species, age, size, or rarity shall be specifically located, as well as the protected trees that are proposed for removal through the permit process. The tree survey shall be submitted to the Public Works Director or his/her designee as part of the development/planning process. Any tree plan or survey which shows protected trees will be removed shall be accompanied by a tree

removal application and a plan for replacement pursuant to the tree replacement definition. The burden shall be upon the applicant to show the necessity for all protected trees being removed.

Section 18.05. Pre-Clearing Conference/Inspection

- a. After final plat approval, including amended plats, replats or site plans, but prior to any clearing, pruning or trimming, tree removal or grading, a tree protection management conference shall take place to review procedures for protection and management of all tree protection elements.
- b. Field Inspections – Prior to the approval of pruning, trimming or removal of any trees, the applicant shall mark clearly all trees to be preserved and notify the City of the marking(s). The City shall inspect and verify the marking not to exceed a two (2) week period. All protected trees shall be marked in accordance with signage or markings as determined by the Public Works Director.
- c. Prior to the commencement of grading, all tree markings, protective fencing as described within this ordinance, must be installed by the developer and must be inspected by the City.
- d. Within two (2) weeks of notification by the Public Works Department that final acceptance of the subdivision by the City is imminent; a final inspection of the tree preservation methods must be performed.

Section 18.06. What to Protect/Permit Removal Required

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree situated on property regulated by this ordinance without first obtaining a tree-removal permit unless otherwise specified in this ordinance.

Section 18.07. Activities Covered/Who Must Comply

Section 18.08. New Developments

All developments for which building permits have yet to be issued as of the effective date of this ordinance shall be subject to the requirements for tree protection and replacement specified herein.

Section 18.09. Exceptions

A tree removal permit shall not be required and tree protection and replacement requirements shall not apply under any of the following circumstances:

- a. Agricultural: Property zoned agricultural and being actively used for agricultural purposes shall be exempt from the requirements specified herein.

- b. Homeowners: The owner of a residence who uses the residence as his homestead shall be exempt from the requirements of this ordinance as it pertains to that residential property, but only within a radius of 250 feet of the primary dwelling.
- c. Developers/Builders/Contractors: All builders and contractors who have not submitted a request for a building permit as of the effective date of this ordinance are subject to the requirements herein. All developers who have not submitted a plat as of the effective date of this ordinance are subject to the requirements herein.
- d. Right-of-way owned or leased by a governmental entity as of the effective date of this ordinance.
- e. Damaged/Diseased Trees: The tree is dead, diseased, damaged beyond the point of recovery, in danger of falling, or endangers the public health, welfare or safety as determined by the Public Works Director or his/her designee.
- f. Utility Service Interruption: The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Removal shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service.
- g. Business Interests: The following business ventures shall be exempt from the requirements specified herein as follows:
 - (1) Landscape Nursery: All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements only in relation to those trees planted and growing on the premises which are so planted and growing for the sale to the general public.
 - (2) Golf Course: Golf courses shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements for removal of protected trees within areas designated as tee boxes, fairways or greens. All other areas shall be subject to these requirements.

Section 18.10. Tree Pruning Restrictions

- a. General: No protected tree shall be pruned in such a manner, which significantly disfigures the tree, or in a manner that would reasonably lead to the death of a tree, except where such pruning is necessary for safety and utility reliability.
- b. Permit Requirements: All utility companies shall be required to file in the office of the Public Works Director or his/her designee a set of pruning specifications (updated annually) to be followed by all pruning contractors working for the company within the City. Prior to beginning any pruning not requested by the

owner of the tree, the contractor shall submit to the City an application for a pruning permit for approval. Such permit shall be effective for a one (1) year period. In addition, written notice of pruning must be given by the utility to the landowner at least two weeks prior to any pruning activity on or adjacent to a landowners property. When allowed, utility companies may prune trees as necessary to re-establish disrupted utility service without obtaining a permit.

- c. All pruning shall be in accordance with the most recent version of the National Arborist Association Standards for Pruning of Shade Trees which shall be on file in the office of the City Secretary and supervised by the Public Works Director or his/her designee or private property owner as applicable. Under no circumstances shall “topping” of trees be permitted as that term is defined in Neil Sperry’s books titled Neil Sperry’s Guide to Texas Gardening and 1001 Most Asked Texas Gardening Questions.

Section 18.11. Administration

Section 18.12 Authority for Review

The Public Works Director or his/her designee shall be responsible for the review and approval of all requests for tree removal permits and tree replacement plans submitted in accordance with the requirements specified herein.

Section 18.13. Deferral

The Public Works Director shall be allowed to consider variances to the tree removal permit and tree replacement plan where literal enforcement would result in creation of an unnecessary hardship on impractical application of the plan considering the physical characteristics of the lot or parcel of land in question, except that any variance request for the removal of three (3) protected trees or more within 90 days, shall be deferred directly to the City Council.

Section 18.14. Appeals

Any decision made by the Public Works Director or his/her designee may be appealed directly to the City Council. All decisions made by the City Council shall be final.

Section 18.15. Permit Review

An application for removal of a protected tree shall be approved when a showing is made that the location of the tree would prevent reasonable access to the property, or would preclude reasonable and lawful use of the property. Prior to determining that a protected tree precludes reasonable access to or use of the property, design alternatives shall be explored and demonstrated to be inappropriate, impractical and/or cost prohibitive. An applicant shall be responsible for submitting design alternatives and evidence of their impracticality and/or cost prohibitive factors. In all instances, removal of a protected tree shall be approved if it is determined by the Public Works Director or his designee that the tree constitutes a hazard to life

or property that cannot reasonably be mitigated without removal, or that the tree is dead, dying or diseased to the point that restoration to sound health conditions is not practicable, or that its disease can be expected to be transmitted to other trees and to endanger their health.

Section 18.16. Permits, Fees, Maps

The Public Works Director or his/her designee shall establish administrative procedures necessary to facilitate the implementation of this section. Such administrative procedures shall be subject to approval by the City Council.

- a. Tree Removal Permit: *An Application for Tree Removal and Site Clearing Permit* must be submitted and approved prior to the removal of any protected tree in the City unless the tree is exempt under a provision of this ordinance. (See Appendix “A” for example permit application.)
- b. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Wilmer in the amount specified by the City Council.
- c. Tree Location Map: All requests for tree removal permits must be accompanied by a map showing at a minimum the requirements as listed in subsection (d) below. These requirements may be modified by Public Works Director or his/her designee as needed to administer this ordinance. Upon prior approval by Public Works Director or his/her designee, the map exhibit may be limited only to the applicable portion of the site.
- d. Map Requirements: Maps shall show the location of all buildings, structures, pools, utilities, other improvements intended on the lot and limits of construction line shown if applicable. Location of tree(s) to be removed and replacement trees are tied down with dimensions from two nearest property lines. Caliper and common name of tree to be removed. Any required replacement trees shown with caliper size and common name of tree.
- e. Permit Expiration: Permits for tree removal issued in connection with a building permit or site plan shall be valid for the period of that building permit’s or site plan’s validity. Permit(s) for tree removal not issued in connection with a building permit or a site plan shall become void one hundred eighty (180) days after the issue date on the permit.

Section 18.17. Action on Permit Application

The Public Works Director or his/her designee, the City Council shall deny a tree removal permit if it is determined that:

- a. Removal of the tree is not necessary in order to conduct anticipated activities on the property.

- b. A reasonable accommodation can be made to preserve the tree; or
- c. The purpose and intent of this Ordinance is not being met or is being circumvented by the Applicant.

Section 18.18. Tree Replacement Requirements

In the event that it is necessary to remove a protected tree, the applicant shall be required to replace the protected tree being removed with an approved replacement tree, as defined herein.

- a. Replacement Restriction: Any required replacement tree shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines, or that the mature root zone of the tree interferes with underground public sanitary sewer, water and all other utility easements or where the tree will obstruct sidewalks or present hazards to the safe use of roadway by way of visual impairment.
- b. Landscaping Plans: Trees required to be added per the landscaping requirements in the Zoning Ordinance or by virtue of deed restrictions shall not be considered as replacement trees.
- c. Placement Location: Should a lot or parcel of land requesting the removal of trees not be large enough to accommodate the replacement of the caliper inches removed, the Public Works Director and/or his/her designee may require an alternate location(s) within the City of Wilmer to place the total caliper inches removed.
- d. Replacement Requirement: Trees shall be replaced 1 for 1 in measured DBH of the trees removed.

Section 18.19. Tree Protection Measures During Construction

A major purpose of this Ordinance is to protect all protected trees that are not required to be removed to allow approved construction to occur. The following procedures are required in the situations noted, however, the Public Works Director or his/her designee may accommodate unique circumstances.

Section 18.20. Prohibited Activities

The following activities shall be prohibited within the limits of the critical root zone of any protected tree subject to the requirements of this ordinance:

- a. Material Storage: No materials intended for use in construction or waste materials accumulated due to construction, excavation or demolition shall be placed within the limits of the critical root zone of any protected tree.

- b. **Equipment Cleaning/Liquid Disposal/Material Storage:** No equipment shall be cleaned or other potentially damaging liquids deposited or allowed to flow overland within the limits of the critical root zone of a protected tree. This would include, but not be limited to, paint, oil, petroleum products, solvents, asphalt, concrete, mortar, pesticides, herbicides, fertilizer, or other similar materials that may be toxic or harmful to trees or vegetation. Further, no equipment or other materials including dirt shall be stored within the critical root zone. No soil of a depth greater than 2 inches shall be placed in the critical root zone.
- c. **Tree Attachments:** No signs, wires or other attachments, other than those of a protective nature shall be attached to any protected tree.
- d. **Vehicular Traffic:** No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to single incident access within a critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
- e. **Grade Changes:** No grade changes (cut or fill) shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Public Works Director or his/her designee.
- f. **Impervious Paving:** No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone of a protected tree.

Section 18.21. Prior to Construction

The following procedures shall be followed on all types of construction projects including but not limited to residential subdivisions, commercial, multi-family, manufacturing developments, residential builders and municipal/public, utility easement, right-of-way, manufactured housing development, road construction, and sidewalk construction:

- a. **Tree Flagging:** All protected trees on the subject property within forty (40) feet of a construction area or surface improvements such as driveway, walks, etc., shall be flagged with bright fluorescent orange vinyl tape of at least 2" width wrapped around the main trunk at a height of four (4) feet or more such that the tape is very visible to workers operating construction equipment. This shall include the flagging of all protected trees adjacent to R.O.W. within approved residential subdivisions during the construction of the roadway. All flagging shall remain in place during the entire phase of construction at all times.

- b. Open Space Flagging: All trees or groups of trees within areas intended to be saved as open space shall be enclosed with bright fluorescent orange vinyl tape of at least 2" width along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a maximum of twenty-five (25) foot intervals by wrapping trees or other approved methods. Single incident access for the purposes of clearing underbrush is allowed. All flagging shall remain in place during the entire phase of construction at all times.
- c. Protective Fencing: Protective fencing will be located at the drip lines of all protected trees that border the limits of construction as designated by the Public Works Director or his/her designee.
- d. Bark Protection: In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by large construction equipment.

Section 18.22. Permanent Construction Methods

- a. Boring: Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of forty-eight (48) inches.
- b. Trenching: All trenching where possible shall be designed to avoid trenching across the critical root zone of any protected tree. This shall not inhibit the placement of necessary underground services such as electric, telephone, gas, etc. No trenches in the critical zone of a protected tree may be left open for more than 24 hours.
- c. Root Pruning: It is required that all roots two (2) inches or larger in diameter which are exposed as a result of trenching or other excavation be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.
- d. Rehabilitation: All post boring and trenching in the critical root zone and root pruning shall require rehabilitation treatments of watering and fertilizing with root stimulator as recommended by the Public Works Director or his/her designee.

Section 18.23. Maintenance After Development

If any of the trees required to be retained or trees planted as a part of this Ordinance should die within a period of one (1) year after completion of the activities associated with construction, the person or entity that is required to plant the replacement tree(s) shall replace the trees within six

months at a ratio of one-to-one with an approved identical size tree from the Replacement Protected Tree/Replacement List (Appendix B) which is the same size as the tree removed.

Section 18.24. Enforcement

- a. If any tree is removed in violation of these requirements, or if any tree required to be retained or replaced as a condition of these regulations dies or is removed, including any injury to a tree resulting from failure to follow required tree protection measures which causes or may reasonably be expected to cause the tree to die, the City shall have the authority to impose the following administrative and civil penalties on the violator.
 - (1) A monetary penalty of at least \$100 but no more than \$500 per caliper inch will be assessed.
 - (2) Replacement with new tree(s) having a total tree caliber width equivalent to twice that of the removed tree(s). Such replacement tree(s) shall have a minimum caliper width of three inches DBH and shall be planted in a location(s) either within the development site or on nearby public properties as approved by the Public Works Director or his/her designee.
- b. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined a penalty of a sum not to exceed Five Hundred Dollars (\$500.00) for each offense and a separate offense shall be deemed for each tree removed. The unlawful destruction or removal of each protected tree shall be considered a separate offense and each offense subjects the violator to the maximum penalty of \$500.00 per tree for each day that the tree is not replaced.
- c. No acceptance of public improvements shall be authorized until all fines and penalties for violations of this Ordinance have been paid to the City.
- d. No Certificate of Occupancy shall be issued until all fines and administrative and civil penalties for violations of this Ordinance have been paid to the City.

Section 18.25. Additional Regulations

- a. Building Permit: No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of the Tree Preservation Ordinance. The City Secretary shall make available to the applicant a copy of the Tree Preservation Ordinance.”

APPENDIX "A"

TREE REMOVAL AND SITE CLEARING PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY		
1. Property Owner's Name	Street Address	
Phone Number & FAX Number	City, State & Zip Code	
2. Applicant's Name	Street Address	
Phone Number & FAX Number	City, State & Zip Code	
3. Address of Tree Removal Request:		
4. Legal Description: Lot: Block: Subdivision:		
5. Project type. Check One: <input type="checkbox"/> Tree Removal <input type="checkbox"/> Sight Clearing <input type="checkbox"/> Pruning of Trees in Right-of-Way <input type="checkbox"/> Other		
6. Number of Trees to be Removed or Pruned: _____	7. Check One: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial	8. Reason for Removal: <input type="checkbox"/> Construction <input type="checkbox"/> Hazardous Location <input type="checkbox"/> Dead, Diseased, or Damaged <input type="checkbox"/> Other _____
9. Method of Removing: 10. <input type="checkbox"/> Cutting <input type="checkbox"/> Transplanting On-Site <input type="checkbox"/> Transplanting Off-Site	11. Permit Fee: _____	

**NOTE: IT IS THE RESPONSIBILITY OF THE
PERMIT HOLDER TO CALL FOR ALL INSPECTIONS.**

12. Signature of Owner:

13. Date:

APPENDIX "B"

REPLACEMENT/PROTECTED TREES

<u>LARGE TREES</u>	
Box Elder Maple	Black Willow
Bitternut Hickory	Pecan (R)
Northern Catalpa	Sugar Hackberry
American Elm	Red Maple
White Ash	Shumard Magnolia
Green Ash	Slippery Elm
Texas Ash	River Birch
Eastern Red Cedar (R)	Black Walnut (R)
Osage-Orange (Horse Apple, Bois D'Arc)	Sweetgum
Southern Magnolia	Red Mulberry
Eastern Cottonwood	Sycamore
Shumard Oak (R)	Cottonless Cottonwood
Magnolia	Caddo Maple
Pond Cypress (R)	Saucer Magnolia
	Thornless Honey-locust (R)
<u>SMALL TREES</u>	
Montezuma Cypress (R)	Western Soapberry (R)
Texas Oak (Texas Red Oak) (R)	Chinquapin Oak (R)
Arizona Cypress (R)	Live Oak (R)
Desert Willow (R)	Bald Cypress (R)
Vasey Oak (R)	Bigtooth Maple (R)
Bur Oak (R)	Lacy Oak (R)
Eve's Necklace (R)	Gold Rain Tree
Mexican Buckeye	Mexican Plum (R)
Prairie Flameleaf Sumac (R)	Purpleleaf Plum
Redbud (R)	Roughleaf Dogwood
Rusty Blackhaw Viburnum	Texas Persimmon (R)
Texas Redbud (R)	Indigo-Bush Amorpah
Chittamwood	Hawthorn
Eastern Redbud (R)	Common Persimmon (R)
Eastern Wahoo	Possum Haw-Holly (R)
Yaupon Holly (R)	Southern Wax-myrtle
Chickasaw Plum	Carolina Cherry-Laurel
Southern Crab-Apple	Carolina Buckthorn
Smooth Sumac	Texas Sophora
Toothache	Honey Mesquite
Texas Mesquite	Cedar Elm (R)