

CITY OF WINDY HILLS

ORDINANCE NO. 25-01

**AN ACT OF THE CITY COUNCIL OF THE CITY OF WINDY HILLS, KENTUCKY
AMENDING THE ORDINANCES RELATED TO THE TREE BOARD AND
PROPERTY MAINTENANCE**

WHEREAS, the City of Windy Hills established a Tree Board and a Property Maintenance Code pursuant to Ordinance No. 12-04; and

WHEREAS, KRS 83A.060(11) and Windy Hills Ordinance Chapter 32.40 adopting the same require periodic review of the City's ordinances so that they may be examined for consistency with state law and one another, and to be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions;

NOW THEREFORE be it ordained by the City Council of the City of Windy Hills that the Act establishing the Tree Board as codified in Chapter 36.01 through Chapter 36.09, and the Property Maintenance Code as codified in Chapter 95.01 through Chapter 95.16, are amended as follows:

CHAPTER 36: ORGANIZATIONS

Section

Tree Board

- 36.01 Establishment
- 36.02 Term of office
- 36.03 Operation
- 36.04 City Arborist
- 36.05 Annual tree work plan
- 36.06 Other assignments
- 36.07 Arbor Day
- 36.08 Budget
- 36.09 Review by City Council, right to appeal

TREE BOARD

§ 36.01 ESTABLISHMENT.

There is hereby established a Tree Board~~[-for the city]~~, which shall consist of seven voting members who are citizens and residents of Windy Hills, and two ex-officio members: a City Councilperson and the City Arborist. The members of the Board ~~[this city, and an eighth non-voting member of the City Council. The eight members]~~ shall be appointed by the Mayor with the approval of the City Council. The voting m^[M]embers of the Board shall serve without compensation.

(Ord. 12-04, passed 10-8-2012; Ord. 4 S13-14, passed 2-10-2014)

§ 36.02 TERM OF OFFICE.

The term of the voting ~~[seven Tree Board]~~ members shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Mayor for the unexpired portion of the term. The Tree Board may also organize ~~[and recruit]~~ committees of non-Board members to implement the Board's programs.

(Ord. 12-04, passed 10-8-2012)

§ 36.03 OPERATION.

The Tree Board shall appoint ~~[choose its]~~ officers and may promulgate ~~[make its own]~~ rules and regulations. It shall establish a schedule of regular meetings ~~[meet (at least once annually and when necessary)]~~ and keep a record of its proceedings. A majority of the seven ~~[five]~~ voting members shall be a quorum ~~[for the transaction of business]~~. ~~[The Tree Board shall report[s] to the Mayor and the City Council.]~~

(Ord. 12-04, passed 10-8-2012; Ord. 3 S16-17, passed 6-13-2016)

§ 36.04 CITY ARBORIST.

The ~~[e]~~City shall retain the services of a certified licensed arborist to advise and assist the Tree Board with its duties and responsibilities described in this subchapter, with a maximum annual budgeted expense to be set by the Mayor and Council ~~[a cost not to exceed \$3,000 per year]~~. The arborist shall be certified through the International Society of Arboriculture (ISA), the Tree Care Industry Association (TCIA), the Society of Municipal Arborists (SMA), or the American

Society of Consulting Arborists (ASCA).~~[This arborist or any company associated with him or her shall not perform any trimming, pruning, or removals for the city.]~~

(Ord. 12-04, passed 10-8-2012)

§ 36.05 ANNUAL TREE WORK PLAN.

The Tree Board shall ~~[study,]~~develop ~~[, update annually,]~~and administer ~~[a written]~~an annual written tree work plan and projected budget ~~[with an estimate of its cost]~~. The plan shall address species diversity, planting needs, hazardous trees, insect and disease problems, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas, and annual tree maintenance~~[a pattern of regular care such as pruning and watering]~~. The plan shall also include a list of trees acceptable for planting in the City, and a list of trees that are not acceptable for planting in the City. The plan ~~[will]~~shall be presented ~~[annually]~~to the City Council for its review, acceptance, and approval.

(Ord. 12-04, passed 10-8-2012)

§ 36.06 OTHER ASSIGNMENTS.

~~[The Tree Board may be assigned by the City Council to research, investigate, consider, make findings, report, and recommend upon any other matters of question coming within the scope of its work]~~ The City Council may request the Tree Board research, report, and make recommendations within the scope of its mission.

(Ord. 12-04, passed 10-8-2012)

§ 36.07 ARBOR DAY.

The ~~[e]~~City shall hold an annual Arbor Day observance, sponsored by the Tree Board, that includes a celebratory ceremony, an Arbor Day Proclamation, and an educational program~~[have an annual observance of Arbor Day, for which the Tree Board shall make a proclamation and hold a celebratory ceremony such as presentation of award or planting of a tree]~~.

(Ord. 12-04, passed 10-8-2012)

§ 36.08 BUDGET.

The annual budget for the tree work plan and Arbor Day observance shall be ~~[carried out with an annual budget of]~~at least \$2 per capita according to the most recent census. The ~~[cost of a]~~City Arborist expense shall not be included in this budget.

(Ord. 12-04, passed 10-8-2012)

§ 36.09 REVIEW BY CITY COUNCIL, RIGHT TO APPEAL.

The City Council may review the conduct, acts, and decisions of the Tree Board. Residents ~~have~~~~[Any owner has]~~ the right to appeal any ruling or order of the Tree Board to the City Council, who may hear the matter and make a final decision.

(Ord. 12-04, passed 10-8-2012)

CHAPTER 95: PROPERTY MAINTENANCE

Section

Trees and Shrubs

- 95.01 Application
- 95.02 Definitions
- 95.03 Landscaping
- 95.04 Tree planting, maintenance, trimming, and topping
- 95.05 Removal of trees and shrubs
- 95.06 Removal of storm-damaged trees
- 95.07 Stumps, weeds, vines, and curbs
- 95.08 Height limit in right-of-way
- 95.09 Public nuisance trees and shrubs
- 95.10 Enforcement
- 95.11 Liability
- 95.12 Notification and appeal
- 95.13 Right to lien
- ~~95.14 Trees acceptable for planting~~
- ~~95.15 Trees unacceptable for planting~~
- ~~95.16 Invasive trees designated for control]~~

Nuisances

- 95.30 Grass and weed height restrictions
- 95.31 Accumulation of rubbish
- 95.32 Property to remain fit and safe
- 95.33 Enforcement
- 95.34 Lien on property for failure to comply

Vacant Property

- 95.40 Vacant property registration

95.99 Penalty

Cross-reference:

Littering, see Chapter 94

Nuisances, see Chapter 92

Streets and sidewalks, see Chapter 91

TREES AND SHRUBS

§ 95.01 APPLICATION.

This subchapter provides full power and authority to the City over all trees and shrubs located within street rights-of-way, parks, and public places of the [e]City; and to trees and shrubs located on private property adjacent to street rights-of-way that constitute a hazard or threat as described herein.

(Ord. 12-04, passed 10-8-2012)

§ 95.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARBORIST. An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

CITY. The City of Windy Hills, Kentucky.

CITY ARBORIST. A certified licensed arborist retained by the [e]City for the purpose of advising and assisting the Tree Board, Mayor, and City Council.

OWNER. A person who is the owner of record of a dwelling in the [e]City.

PARK TREE. A tree located within the [e]City's parks, open areas, landscaped areas, open lawn areas, and recreational areas.

PRUNE. To trim a tree, shrub, or bush by cutting away dead or overgrown branches or stems for the health of the plant.

PUBLIC SHRUBS OR BUSHES. Any low vegetation located within the public right-of-way, within the [c]City's parks, open areas, landscaped areas, open lawn areas, and recreational areas.

PUBLIC TREE. A street tree or a park tree.

REMOVE or REMOVAL. The actual removal of a tree by digging up, cutting down, or the effective removal through damage.

RIGHT-OF-WAY. The total width of a street and its easements. For an individual owner, the space between his, her, or their property line and the street pavement.

STREET TREE. A tree located within the public street right-of-way.

SWALE. A depression or shallow ditch in a right-of-way for drainage of water.

TOPPING. The severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE. A self-supporting, woody plant of a species that normally, in the area, grows at maturity to an overall height of a minimum of 15 feet.

TRIM. To cut a tree, shrub, or bush to alter its shape or volume.

UTILITIES. Public utility, commercial, and private lines and pipelines, including, but not limited to: overhead electric wires; television and communication cables; guy wires; underground water; gas; sewer drainage; communication and power lines; and pipelines.

(Ord. 12-04, passed 10-8-2012)

§ 95.03 LANDSCAPING.

In new developments within the [e]City, the Tree Board and the City Council shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided. Landscaping of new developments shall follow the Metro Louisville Land Development Code.

(Ord. 12-04, passed 10-8-2012)

§ 95.04 TREE PLANTING, MAINTENANCE, TRIMMING, AND TOPPING.

(A) Public tree care. The [e]City shall have the right to plant, trim, prune, maintain, and remove trees, plants, and shrubs within the right-of-way of all streets, avenues, lanes, squares, and public grounds, as may be necessary for public safety or preserve or enhance the symmetry and beauty of such public grounds.

(B) Owner planting of street trees. The planting of street trees by adjacent property owners is encouraged, providing that the selection and distance between trees is in accordance with this subchapter.

(C) City tree planting program. The [e]City shall ~~will~~ pay up to ~~contribute~~ \$100 per ~~(canopy)~~ tree to Owners towards the planting of up to ~~four (4)~~ ~~two~~ new trees per residential property, provided that the following conditions are met: [-]

(1) The trees must be purchased from a list of acceptable trees approved by the Tree Board; ~~Trees must reach at least 30 feet height at maturity.]~~

(2) The trees are of a species that must be capable of reaching at least 25 feet in height at maturity; ~~The trees must be purchased from and planted by designated nurseries with which the city has agreements.]~~

(3) The trees must be purchased from nurseries approved by the Tree Board; ~~The homeowner will pay the nursery for the tree at a 20% discount and the cost of its planting by the nursery.]~~

(4) Unless the nursery plants the tree, the Owner must plant the tree according to generally accepted practices in the industry; and~~[Upon the planting, the nursery will submit the paid invoice to the city.]~~

(5) Upon planting, the Owner shall submit the paid invoice from the nursery to the City.~~[The city will send the homeowner a \$100 rebate per tree.]~~

The opportunity to participate in the City's tree planting program is renewed upon a subsequent transfer of the residential property.

(D) Trimming and pruning. Any tree or shrub or other plant on a right-of-way or private property shall be trimmed or pruned when it interferes with walking or traffic, or the proper spread of light along the street from a streetlight, or with visibility of any traffic-control device or sign. The person owning or occupying the property on or adjacent to which the tree, shrub, or other plant is located shall be responsible for trimming or pruning it to maintain the clearances for pedestrians and vehicles in accordance with this subchapter.

(E) Topping. It shall be unlawful as a normal procedure to top any street or park tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subchapter at the determination of the Tree Board.

(F) Distances and clearances for planting of new trees.

(1) Distance from street corners and fireplugs. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplug.

(2) Distance from utilities. No street trees other than those species listed as small trees in the [e]City's street tree listing of trees acceptable for planting may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

(3) Distance from sidewalk, curb, or edge of pavement. The distance that trees may be planted from sidewalks, curbs, or edge of uncurbed street pavement depends on the three size classes of trees listed in the [e]City's street tree listing of trees acceptable for planting. Trees shall not be planted closer to any curb or sidewalk than the following distances:

- (a) Small trees: two feet;
- (b) Medium trees: three feet; and
- (c) Large trees: four feet.

(4) Distance between trees. The distance between trees depends on the three size classes listed in the [e]City's street tree listing of trees acceptable for planting. Trees shall not be planted closer to each other than the following distances:

- (a) Small trees: 30 feet;
- (b) Medium trees: 40 feet; and

(c) Large trees: 50 feet except in special plantings designed or approved by a landscape architect.

(5) Clearances. Trees shall be trimmed to maintain these clearances:

(a) Above the surface of a sidewalk: eight feet;

(b) Above the surface of a street: 12 feet; and

(c) Between any part of tree and adjacent sidewalk or pavement: at least one foot.

(Ord. 12-04, passed 10-8-2012; Ord. 7 S14-15, passed 6-8-2015; Ord. 3 S16-17, passed 6-13-2016)

Cross-reference:

[~~Trees acceptable for planting, see § 95.14~~]

§ 95.05 REMOVAL OF TREES AND SHRUBS.

(A) Responsibility of owners. Owners are responsible for removing from the right-of-way adjacent to their property any living, dying, or dead tree or limb or shrub if it obstructs street lights, traffic signs, or the free and safe passage of pedestrians and vehicles, or poses a hazard to life or property, or is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or if such tree or shrub harbors an infestation, ~~[or]~~ fungus, or disease.

(B) Notice to remove tree or shrub. Upon discovery of a potential violation of Division A, the Mayor shall request that the City Arborist make findings and recommend a corrective action plan to abate the potential violation. The Mayor shall serve notice of the City Arborist's findings and corrective action plan on the responsible property owner. The property owner shall comply with the corrective action plan within thirty (30) days unless an earlier deadline is required in the notice.~~[Upon the discovery in a right-of-way of any problematic tree or shrub, such as described in division (A) above, the Tree Board shall serve written notice upon the owner of the property adjacent to the right-of-way upon which such diseased or infested tree is situated, requiring the owner to prune, remove, or otherwise remedy such condition at his or her own expense within 30 business days.]~~

(C) Replacement of removed street tree. ~~[At the owner's request, the city will replace a street tree after the tree and stump have been removed by the owner, and will pay for both the tree and a qualified arborist to transplant it up to a limit of \$300. The owner shall pay any cost over \$300. The owner must choose a tree that is on the city's street tree listing of trees acceptable for planting, and that is approved by the City Arborist for the location.]~~ After the tree and the stump have been removed by the property owner, the owner may request that the City replace the tree. If the City grants the property owner's request, the City shall pay no more than \$350 for the replacement tree and its planting by a qualified arborist. The replacement tree must be approved by the City Arborist prior to planting. The property owner shall maintain the replacement tree.

(Ord. 12-04, passed 10-8-2012)

Cross-reference:

[Trees acceptable for planting, see § 95.14]

§ 95.06 REMOVAL OF STORM-DAMAGED TREES.

The [e]City shall ~~[will perform and pay for the partial]~~ remove ~~[al of]~~ any tree ~~[, whether in a right-of-way or not,]~~ blocking a public roadway or sidewalk ~~[that]~~ due to a storm or other natural condition; ~~however, t[has been damaged so as to block a public roadway or sidewalk. T]he~~ obligation of the [e]City shall extend only to the clearing of the public roadway or sidewalk, and any further restoration or complete removal of the tree and its cost shall be borne by the homeowner.

(Ord. 12-04, passed 10-8-2012)

§ 95.07 STUMPS, WEEDS, VINES, AND CURBS.

(A) Stump removal. Stumps of street and park trees shall be removed so that the top of the stump shall not project above the surface of the ground.

(B) Removal of weeds from sidewalks and drainage swales. It shall be unlawful for the [ø]Owner ~~[or his or her agent]~~ of property abutting any public ways to permit noxious weeds or vegetation to grow or remain in the area between the ~~[his or her]~~ property line and the paved portion of the street, and it shall be the duty of such abutting owner to maintain the grass in the unpaved portion of the public way adjacent to the Owner's ~~[his or her]~~ property and to keep sidewalks and drainage swales adjacent to the Owner's ~~[his or her]~~ property free from obstruction.

(C) Removal of tree vines. ~~[Vines are detrimental to the health of trees and can obscure their condition.]~~ The [ø]Owner shall remove any vines growing on the trunk(s) of their street tree(s) in order to allow a visual assessment of the condition of the tree(s).

(D) Curbs and curb stones. The [ø]Owner of property may take reasonable steps to protect the right-of-[-]way adjacent to the Owner's ~~[his or her]~~ property from damage or harm, including the maintenance of curbs, curb stones, or similar devices no closer than one-inch to the paved portion of the roadway in areas subject to continued abuse.

(Ord. 12-04, passed 10-8-2012) Penalty, see § 95.99

§ 95.08 HEIGHT LIMIT IN RIGHT-OF-WAY.

No shrub, tree, or other plant shall be permitted that is over three feet in height above the established elevation of the curb level within the right-of-way of any street (including sidewalk area), provided, however, the trunk of trees (exclusive of branches) shall be permitted within such area where otherwise in compliance with the terms of this subchapter.

(Ord. 12-04, passed 10-8-2012)

§ 95.09 PUBLIC NUISANCE TREES AND SHRUBS.

(A) A living, dying, or dead tree or limb or shrub ~~[on a right-of-way, or adjacent to a right-of-way but]~~ on private property, may be declared a public nuisance by the [e]City if it obstructs street lights, traffic signs, or the free and safe passage of pedestrians and vehicles, or poses a hazard to life or property. ~~[A representative of the Tree Board may meet with the property owner to discuss such a tree, and the city may give notice to the property owner to remedy such nuisance at the owner's expense.]~~

(B) A living, dying, or dead tree or limb or shrub ~~[on a right-of-way, or anywhere on private property,]~~ that harbors an infestation or fungus or disease which the City Arborist determines is a contagious communicable threat to other trees within the [e]City, may be declared a public nuisance by the [e]City. ~~[Owners are encouraged to report such nuisances to the city. A representative of the Tree Board may meet with the property owner to discuss such a nuisance. The city may give notice to the property owner that it intends to remediate such nuisance for the owner at city expense, and proceed to do so.]~~ If the City determines that a tree, limb, or shrub is a public nuisance, the City Arborist shall develop a corrective action plan to abate the nuisance. The Mayor or the Code Enforcement officer shall serve written notice of the public nuisance and the City Arborist's corrective action plan to the Owner responsible for maintenance of the right-of-way. The [ø]Owner shall comply[cooperate] with the City Arborist's corrective action plan[city's remediation]. [Remediation may include various measures as determined by the City Arborist, such as spraying, injecting, trimming, or removing.]

(Ord. 12-04, passed 10-8-2012)

§ 95.10 ENFORCEMENT.

Unless otherwise provided for, the provisions of this chapter shall be enforced pursuant to § 36.27.~~[If a property owner does not comply with a notice from the city about a provision of this subchapter, the Mayor, at recommendation of the Tree Board, and the direction of City Council, may hire and send specialists or contractors upon a property, accompanied by the city's Code Enforcement Officer, to carry out the requirements of the notice. If the owner is responsible for the cost according to this subchapter, the city may then bill the property owner for the cost, and if not paid, file a lien to recover the cost.]~~

(Ord. 12-04, passed 10-8-2012)

§ 95.11 RESERVED~~[LIABILITY]~~.

~~[An owner is liable to the public for failure to trim or remove trees and shrubs within his or her street right-of-way to the requirements contained herein.]~~

(Ord. 12-04, passed 10-8-2012)

§ 95.12 NOTIFICATION AND APPEAL.

Unless otherwise provided for, the City shall issue notices of violation in the manner prescribed by § 36.27, and appeals may be heard pursuant to § 36.28.~~[No person shall be fined for any violation of this subchapter without first having been notified in writing by the city of the violation, and having been given 30 business days to correct the violation or to appeal the fine.]~~

(Ord. 12-04, passed 10-8-2012)

§ 95.13 RIGHT TO LIEN.

The City may have a lien for penalties and cost recovery pursuant to § 36.32.~~[(A) Upon the failure of the owner of the property to comply with any notice specified herein, the city may file a lien against the property for any unpaid fines, for the actual cost of remedying the situation, and for any attorney costs and filing fees.~~

~~—(B) The claim shall be in the form of an affidavit signed by the Mayor and shall be recorded in the County Court Clerk's office and which lien shall bear interest at the rate of 6% per annum thereafter until paid.]~~

(Ord. 12-04, passed 10-8-2012)

~~[§ 95.14 TREES ACCEPTABLE FOR PLANTING.~~

~~(A) The following list constitutes the official street tree species for the city.~~

~~—(B) No species other than those acceptable according to this list may be planted as street trees without written permission of the Tree Board.~~

~~Trees Acceptable for Planting (Bold = Native to Kentucky)~~

~~Trees Acceptable for Planting (Bold = Native to Kentucky)~~

~~LARGE TREES (75 feet high and up)~~

~~Basswood~~

~~Beech, American~~

~~Beech, European~~

~~Birch, Sweet (aka Birch, Black; aka Birch, Cherry)~~

~~Birch, Yellow~~

~~Buckeye, Ohio~~

~~Buckeye, Yellow~~

~~Catalpa~~

~~Cherry, Black~~

~~Coffee Tree, Kentucky (seedless cultivars or males only, the Kentucky State Heritage Tree)~~

Cucumber Tree (Magnolia Acuminata)
Cypress, Bald
Cypress, Pond
Elm, American (Dutch Elm Disease Resistant cultivars only)
Elm, Chinese
Fir, White
Gingko (males only should be planted)
Gum, Black (aka Tupelo, Black)
Hickory, Bitternut
Hickory, Mockernut
Hickory, Shagbark
Hickory, Shellbark
Holly, American
Locust, Black
Maple, Norway (High Pollen Potential)
Maple, Sugar (Use discretion in planting due to area over planting)
Oak, Black
Oak, Bur
Oak, Cherrybark
Oak, Chestnut
Oak, Chinkapin
Oak, English
Oak, Northern Red
Oak, Pin (Pin Oak) (not recommended because locally over planted)
Oak, Post
Oak, Scarlet
Oak, Shingle
Oak, Shumard
Oak, Southern Red
Oak, Swamp White
Oak, Water
Oak, White
Oak, Willow
Persimmon
Pine, Eastern White
Pine, Shortleaf
Planetree, London

~~Poplar, Yellow (aka Tulip Poplar, the Kentucky State Tree)~~

~~Sassafras~~

~~Spruce, Blue~~

~~Spruce, Oriental~~

~~Spruce, Serbian~~

~~Sweetgum (Rotundiloba or Platanus occidentalis—seedless cultivars or males only)~~

~~Sycamore (High Pollen Potential)~~

~~Tupelo, Black (aka Gum, Black; previous national “Tree of the Year”)~~

~~Walnut, Black~~

~~Zelkova~~

~~MEDIUM TREES (35 to 75 feet high)~~

~~Alder, European Black (aka Alder, Black)~~

~~Birch, River (highly susceptible to ice and snow damage and recommended only for moist areas; should be carefully considered)~~

~~Cedar, Eastern Red~~

~~Cherry, Higan~~

~~Cherry, Japanese Flowering~~

~~Cherry, Sargent~~

~~Chestnut Horse~~

~~Corktree, Amur~~

~~Elm, Lacebark~~

~~Elm, Slippery~~

~~Elm, Winged~~

~~Falsecypress, Honiki~~

~~Filbert Turkish~~

~~Golden Rain Tree (aka Golden Raintree)~~

~~Holly, European~~

~~Holly, Fosters~~

~~Honeylocust; Thornless~~

~~Hophornbeam~~

~~Hornbeam, American~~

~~Hornbeam, European~~

~~Hornbeam, Japanese~~

~~Katsura Tree~~

~~Linden, Littleleaf~~

~~Linden, Silver~~

~~Maple, Amur~~

Maple, Hedge
Maple, Red (Use discretion in planting due to area over-planting)
Mulberry, Red (High Pollen Potential)
Parrotia, Persian
Pear, Cleveland Select Pear
Redwood, Dawn
Sassafras
Silverbell, Carolina
Sourwood
Yellowwood
Willow, Black
SMALL TREES (15 to 35 feet high)
Arborvitae, American
Arborvitae, Oriental
Buckeye
Cherry, Yoshino
Crabapple (newer, resistant cultivars only)
Crapemyrtle
Dogwood, American
Dogwood, Kousa
Filbert, American
Filbert, European
Fringetree, Chinese
Fringetree, White
Hally Jolivette
Hawthorn (newer, resistant cultivars only)
Lilac, Japanese Tree Lilac
Magnolia, Japanese
Magnolia, Star
Magnolia, Sweetbay
Maple, Hedge
Maple, Japanese
Maple, Paperbark
Maple, Tatarian
Maple, Trident
Pawpaw
Possumhaw

Redbud
Red Cherry
Serviceberry
Viburnum
Whitecedar, Atlantic (aka White Cedar, Atlantic)
Witchhazel

(Ord. 12-04, passed 10-8-2012)

§ 95.15 TREES UNACCEPTABLE FOR PLANTING.

Trees Not Acceptable for Planting (Bold = Native to Kentucky)
~~Trees Not Acceptable for Planting (Bold = Native to Kentucky)~~

~~LARGE TREES~~

~~Ailanthus (Tree of Heaven)
Coffee Tree, Kentucky (Female)
Elm, Siberian
Gingko (female)
Maple, Silver (aka Maple, Water)
Paulonia, Royal~~

~~MEDIUM TREES~~

~~Boxelder
Honeylocust, Wild
Mimosa
Olive, Autumn
Olive, Russian
Olive, Thorny
Pears (Flowering) (except Cleveland Select Pear)
Pine, Virginia
Privet, Chinese-European~~

~~SMALL TREES~~

~~Burning Bush, Winged
Cherry Plum
Honeysuckle, Amur (invasive)~~

-
(Ord. 12-04, passed 10-8-2012)

~~§ 95.16 INVASIVE TREES DESIGNATED FOR CONTROL.~~

~~Invasive Trees and Woody Plants Designated for Control and/or Removal~~

~~(Bold = Native to Kentucky)~~

~~Ailanthus (Tree of Heaven)~~

~~Burning Bush, Winged~~

~~Honeysuckle, Bush~~

~~Mimosa~~

~~Non-native Rose~~

~~Olive, Autumn~~

~~Olive, Russian~~

~~Olive, Thorny~~

~~Paulownia, Royal~~

~~Privet, Chinese~~

~~Privet, European~~

-
(Ord. 12-04, passed 10-8-2012)]

Amended this _____ day of _____, 20_____.

Mayor, City of Windy Hills, Kentucky

ATTEST:

Clerk, City of Windy Hills, Kentucky