

ORDINANCE NO. 92-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ADOPTING A NEW CHAPTER OF THE CODE OF ORDINANCES, TREE PROTECTION AND PRESERVATION; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REVIEW PROCEDURES; PROVIDING FOR SUBMISSION REQUIREMENTS; PROVIDING FOR TREE REPLACEMENT; PROVIDING FOR TREE PROTECTION DURING CONSTRUCTION; PROVIDING FOR MINIMUM TREE REQUIREMENTS; PROVIDING FOR VOLUNTARY PLANTING; PROVIDING FOR REMOVAL OF NOXIOUS/EXOTIC SPECIES; PROVIDING FOR HARMFUL ACTS; PROVIDING FOR APPEALS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR RELATION TO COMPREHENSIVE PLAN; PROVIDING A LIST OF NOXIOUS/EXOTIC SPECIES; PROVIDING AN APPROVED LIST; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION ACCORDING TO LAW.

WHEREAS, the City Commission of the City of Eustis has determined that requirements for protection and preservation of trees are not only desirable, but are essential to ensuring the health, provision and general well-being of citizens within the community, and that use of the restrictions, described herein, is a proper exercise of municipal police powers; and

WHEREAS, the general removal of trees should be appropriately controlled, and where possible, existing trees should be preserved on-site as property is developed. When authorized for removal, trees should be replaced by trees that are native to the area; and

WHEREAS, trees are proven producers of oxygen, a necessary element for the survival of humans; trees reduce the level of carbon dioxide in the atmosphere, and dilute air pollutants; and

WHEREAS, trees play a pronounced and important role in City-wide soil conservation, soil enrichment, erosion control, and provide wildlife habitat; and

WHEREAS, urbanization results in increased amounts of impervious surfaces, which in turn causes an increase in noise, heat and glare within these urban developments. Trees reduce noise, heat and glare, and act as an aesthetic visual buffer; and

WHEREAS, trees enhance the value of property by creating a visually, psychologically, and aesthetically appealing environment, which helps to counteract the manmade changes required of urban land development;

NOW, THEREFORE BE IT ORDAINED BY THE EUSTIS CITY COMMISSION:

Section 1. The Code of Ordinances of the City of Eustis is amended by adoption of a new chapter entitled "Tree Protection and Preservation", as set forth and enumerated as follows:

Chapter 29

TREE PROTECTION AND PRESERVATION

Sec. 29.01 Purpose And Intent:

It is the intent of these regulations to promote the community health, safety and welfare, by protecting trees which are considered a valuable community resource.

Tree protection is beneficial to the City by improving community appearance and quality of life, enhancing property values, and creating a functional and aesthetically pleasing living environment for existing and future residents.

Protection of trees and other vegetation will also help to preserve the environment; promote soil conservation; control erosion, siltation and flooding; enhance wildlife habitat; provide for natural air and water retention and filtration.

Therefore, the City finds that it is in the best public interest to enact and enforce the regulations described herein for the purpose of controlling tree removal, clear cutting and strip clearing of land.

Sec. 29.02 Definitions:

Agriculture: The science or practice of cultivating and farming land including, but not limited to, the following activities: crop production, floriculture, silviculture, viticulture, dairy, pasturage, and livestock husbandry and the necessary accessory uses packing, treating, or sorting the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Approved Trees: Trees which are native species, as defined herein, or other non-native species of a non-threatening nature to people, plants and plant communities, as listed in Section 29.18 APPROVED TREE LIST. Section 29.18 may be amended by the City Commission, if warranted; however, no invasive, self-propagating, or poisonous species shall be added to the APPROVED TREE LIST.

Bona Fide Agricultural Use: Land on which the City has determined that the use of the land for agricultural purposes is bona fide taking into consideration the following factors: the length of time that the land has been so utilized, whether the use has been continuous, the tax status of the land (as listed on the most recent tax roll), whether there has been an indicated effort to use the land in accordance with accepted agricultural practices.

City: Means the City of Eustis

City Manager: Means the City of Eustis City Manager or his appointed designee.

Development Activity: Any activity, excluding normal, day-to-day maintenance, which alters the natural state or topography of the land. These activities include, but are not limited to, clearing; grubbing; clear cutting; strip clearing; grading; construction, installation, removal or demolition of a structure, unless for an agricultural use.

Diameter at Breast Height (DBH): The diameter of a tree measured at breast height, which is FIFTY-FOUR inches (54"), (4-1/2 feet), above the grade at the base of the tree. A tree that has multiple trunks shall be measured using the sum of the diameters.

Drip Line: An artificial line measured in a radial pattern around a tree corresponding to the root protection zone. The line extends from the perimeter of a tree canopy vertically down to the ground.

Historic Tree: A tree which has been determined to be of notable historic significance to the City and its residents because of its historical interest, associations or value. Historic tree designation shall be reviewed by the Parks and Trees Commission and recommended for approval to the City Commission.

Native Species: Plant types which are indigenous to Florida according to the "Guide to Vascular Plants of Central Florida" by Richard P. Wunderlin (University Presses of Florida, University of South Florida, 1982). A reference copy is available for inspection at the Development Services Department and the City of Eustis Public Library.

Noxious/Exotic Species: Certain plant species (non-native to Central Florida) that are a threat to people, plants, or plant communities due to their invasive, self-propagating, or poisonous nature. Introduction of noxious/exotic species into an area usually results in dominance by this plant type to the detriment of established native vegetation (see Section 29.17 LIST OF NOXIOUS/EXOTIC SPECIES).

Property Access: A vehicular approach or entry to or exit from property as designated upon an approved site plan, plat, or building permit for the property.

Protected Tree: Any tree not listed on the LIST OF NOXIOUS/EXOTIC SPECIES (Section 29.17), and meeting one of the following requirements:

- a. Trees with a DBH of six inches (6"), or greater.
- b. Specimen or Historic trees.
- c. Trees located in a wetland area as determined by the agencies having jurisdiction.

Public Utility: Any legal entity (specifically including the City of Eustis) with the power of eminent domain which is in the business of supplying electricity, natural gas, water, wastewater, transportation, or communication services to or for the general public.

Specimen Tree: A tree that is rare or unique due to factors such as size, age, form, ecological value, or type of species. Specimen tree designation shall be reviewed by the Parks and Trees Commission and recommended for approval to the City Commission, provided that trees nominated for specimen tree designation have one or more of the following characteristics:

- a. A diameter of thirty inches (30") DBH, or greater.
- b. A determined age of fifty (50) years, or greater.
- c. A determined ecological value; e.g., wildlife habitat, erosion control, etc.
- d. A determined unique form or shape due to geography, climate, environmental, or natural growth conditions.
- e. A rare or unique, non-indigenous tree that is not common to the City of Eustis (but not on the Noxious/Exotic Species List).

Tree: A woody perennial plant usually having a single elongated main stem or trunk, generally with few or no branches on its lower part. Most trees usually have a minimum main stem of 4-1/2 inches in diameter DBH at maturity.

Tree Protection Zone: A circular zone around each protected tree as follows:

- a. If the drip line is less than six (6) feet from the trunk of the tree, the protection zone shall be that area within a radius of six (6) feet around the tree trunk.
- b. If the drip line is more than six (6) feet but less than twenty (20) feet from the trunk of the tree, the protection zone shall be that area within the radius of the full drip line around the tree trunk.
- c. If the drip line is twenty (20) feet or more from the trunk of the tree, the protection zone shall be that area within a radius of twenty (20) feet around the tree trunk.

Tree Inventory: A drawing or accurate representation of appropriate (or sufficient) scale to show tree locations, which provides the necessary information for obtaining a tree removal permit. Requirements are listed in Section 29.06, SUBMISSION REQUIREMENTS.

Sec. 29.03 General Requirements:

The terms and provisions of this ordinance shall apply to all real property located within the corporate boundaries of the City, except such properties as are exempted herein.

It shall be unlawful for any person, firm or corporation, either individually or through an agent to cut down, destroy, clear cut, remove, or effectively destroy through damaging any protected tree without first obtaining a City-approved tree removal permit, except as specifically exempted herein.

Developers of sites that have been completely or partially cleared of trees due to agricultural use or other reasons shall be required to comply with the MINIMUM TREE REQUIREMENTS as described in Section 29.09.

Issuance of a tree removal permit, or exemption from these requirements, does not cancel any legal obligation or requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over proposed activity upon the land.

Trees and vegetative ground cover shall be preserved or enhanced in development areas exceeding 10 percent slope, within the 100-year floodway, or within 30 feet of the ordinary high water line of lakes, rivers or canals. This 30-foot buffer area shall remain a natural vegetative buffer zone between development areas and the above-referenced water courses, except for City-approved water-related facilities, such as docks, walkovers, ramps, marinas, etc.

Sec. 29.04 Exemptions:

A tree removal permit (see Section 29.05 REVIEW PROCEDURES and Section 29.06 SUBMISSION REQUIREMENTS) shall be exempted under the following conditions and situations as determined by the City Manager:

- a. A bona fide agricultural use.
- b. Removal of dead, diseased, or naturally fallen trees.
- c. Removal of trees that are endangering public/private property, or the public health, safety or welfare of the community.
- d. Removal of tree species which are identified on the LIST OF NOXIOUS/EXOTIC SPECIES (Section 29.17) upon formal verification by the City Manager.
- e. Removal of trees planted on the premises of a plant nursery or tree farm that have been grown expressly for the purpose of selling to the general public in the ordinary course of business.
- f. Removal of trees within approved utility rights-of-way or easements that are necessary to supply gas, water, sewer, telephone, cable television, electrical service, or other needed utilities.
- g. Public utilities with the power of eminent domain may remove or transplant trees either on-site or off-site without a permit.
- h. Emergency conditions may require the City Manager to waive all, or part, of the requirements of this chapter in the event of manmade or natural disasters such as hurricanes, tornadoes, floods, storms/high winds, hard freezes, fires, etc. The waiver shall apply to a geographically defined area for a period not to exceed ninety (90) days. Longer periods shall require City Commission approval.
- i. Single family, duplex, or multi-family residential lots (containing an existing structure) in existence as of the date of passage of this ordinance. (However, this exemption does not include approved Historic or Specimen Trees.)

Sec. 29.05 Review Procedures

A tree inventory/tree removal permit application shall be submitted to the City Manager prior to the commencement of any development activity, except as specifically exempted herein.

Trees may be removed for construction purposes where all reasonable alternatives are exhausted for relocating the specific construction.

The removal/replacement of trees that are 24 inches DBH or greater is strongly discouraged due to their age and size; therefore, all other reasonable alternatives or methods that are available, such as design modifications, shall be closely examined before removal will be authorized.

During application review, the City Manager shall consider the effect that the proposed development activity will have on the future viability of the trees to be retained/relocated within the area to be developed.

A tree removal permit shall be issued, as determined by the City Manager, if one or more of the following conditions exists:

- a. Street Opening Tree location restricts the opening of a street or road right-of-way.

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| b. | Utilities and Drainage | Tree location restricts the construction of public utility lines or drainage facilities. |
| c. | Property Access | Tree location restricts access to the property, where there are no other reasonable access points. |
| d. | Property Use | Tree location restricts reasonable use of the property consistent with all other applicable city, county and state codes, statutes and/or ordinances; and design modifications are not practical or reasonable. |
| e. | Hazard | Tree that constitutes a potential hazard to life or property and can be resolved by removal. |
| f. | Poor Tree Health | Tree is dead, or deteriorating to such a state that restoration methods to bring the tree to a sound condition are not practical; or the tree has a disease which can be expected to be transmitted to other trees thereby endangering their health. |
| g. | Thinning of Trees | Trees are so densely situated on a parcel as to significantly impair light and air circulation, which causes poor health conditions or tree disease, so that removal of up to twenty-five (25%) percent of such trees is necessary to alleviate the condition. |

An approved tree removal permit shall identify which trees are to be removed, methods of construction protection, and the tree replacement requirements necessary to compensate for the loss of protected trees. Upon approval, a permit will remain in effect for a period of twelve (12) months and, if trees have not been removed within this time period, a new permit application submittal is required.

Sec. 29.06 Submission Requirements:

- A. All property owners planning to initiate any development activity are hereby required to submit a tree inventory/tree removal permit application, unless specifically exempted, either separately or as part of another standard review submission procedure (subdivision/site plan), including, but not limited to, the following:
- 1) Developers of all new residential subdivisions shall be required to submit a tree inventory/tree removal permit application at the time of initial preliminary plan submittal to the Development Services Division, so that due consideration may be given to protection of trees during the subdivision design/review process.
 - 2) Developers of any commercial, industrial, multi-family, or other use, requiring site plan approval under the jurisdiction of Chapters 20 or 24 (Subdivision/Zoning) of the City of Eustis Code of Ordinances, shall be required to submit a tree inventory/tree removal permit application at the time of initial site plan submittal to the Development Services Division, so that due consideration may be given to protection of trees during the site plan design/review process. A tree inventory may be shown on the site plan.
 - 3) Developers of all new single family and duplex dwelling units shall be required to submit a tree inventory/tree removal permit application at the time of building permit application. A tree inventory may be shown on the building permit site plan.
- B. Each tree inventory, for subdivision/site plan review, shall consist of a drawing or accurate representation of appropriate (or sufficient) scale to show tree locations, delineating the following information:
- 1) Property boundaries and surrounding road system;
 - 2) Location, size, and type of all protected trees within areas to be disturbed by construction.

Sec. 29.07 Tree Replacement:

All protected trees that have been removed, for which a City-approved tree permit was required but not obtained, will require replacement according to the tree replacement formula, which is further described herein. Tree replacement shall be at two (2) times the total DBH of all protected trees removed without a City-approved tree permit. Trees that are removed with a City-approved tree permit, or transplanted/relocated to another area on-site are not subject to the Tree Replacement Formula requirements.

All replacement trees shall be a minimum of two and one-half inches (2-1/2") DBH and ten (10) feet tall at the time of planting and selected from the APPROVED TREE LIST, Section 29.18. Approved Ornamental and Palm trees can be used to fulfill up to twenty-five percent (25%) of tree replacement requirements. Shade and large canopy trees shall make up at least seventy-five percent (75%) of required replacement trees.

Replacement trees shall be planted on-site, if practical, otherwise the developer shall donate the required trees to the City for the purpose of planting trees on public property.

All replacement trees shall be in good health, conform to the standards for Florida No. 1 or better, as given in the Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services.

Replacement trees shall also meet the requirements of the City Landscape, Subdivision, Zoning and Vegetation Location Standards Ordinance, whichever is more stringent.

TREE REPLACEMENT FORMULA (WITHOUT TREE PERMIT)

$$(\text{removal total}) \times (2) = (\text{replacement total})$$

Tree Removal Total:

The total amount of tree diameter of all protected trees that are removed by a property owner/developer without a required City-approved tree permit.

Tree Replacement Total:

The total amount of tree diameter (DBH) that a property owner/developer will need to replace in order to compensate for removal of protected trees without a City-approved tree permit (two (2) times the amount of diameter removed).

Sec. 29.08 Tree Protection During Construction:

Property owners/developers shall protect, during construction, all protected trees within areas to be disturbed by construction activities as identified on an approved tree removal permit. Tree removal, building, or other development permits may be revoked if protective measures are not used at any time during construction.

The following shall be prohibited within the Tree Protection Zone of designated trees, unless authorized by the City Manager:

- a. Heavy equipment, or vehicular traffic;
- b. Stockpiling of any materials;
- c. Deposition of soil or sediment;
- d. Grading or grubbing;
- e. Excavation, trenching, or tunneling;
- f. Burning or burial of debris, within the entire construction site;
- g. Dumping oil, gasoline, paint, chemicals, wastewater, or other construction wastes. (Storage of potentially hazardous materials shall be in appropriate, non-leaking containers as far away from tree protection zone as possible.)

Sec. 29.09 Minimum Tree Requirements:

All properties requesting development approval (residential and non-residential) must meet minimum tree requirements as specified below unless otherwise exempted:

Minimum Tree Requirements

<u>Lot Area (sq. ft.)</u>	<u>Minimum # of Trees</u>
less than 6,000	2
6,000 - 10,000	3
10,000 - 16,000	4
16,000 - 20,000	5
over 20,000	6

All property owners/developers, that are requesting building permits/development approvals for individual lots (single family or duplex), or individual lots within an approved subdivision (see Section 29.06(3) SUBMISSION REQUIREMENTS), must meet minimum tree requirements for each specific lot prior to the issuance of a certificate of occupancy, unless otherwise exempted.

Proper care and maintenance of recently planted trees; i.e., necessary water, fertilizer, and support structures, shall be the property owner's/developer's responsibility and be guaranteed for the duration of an approved Maintenance Agreement (2 years) with the City. Upon sale of an individual lot, the responsibility for care and maintenance of trees is transferred to the new property owner of said individual lot.

All required trees that do not survive during the approved Maintenance Agreement time period will be replaced by the property owner.

Trees used in fulfillment of the requirements of this section shall be a minimum of one and one-half (1-1/2") DBH and six (6) feet tall at the time of planting and selected from the APPROVED TREE LIST (Section 29.18). Approved ornamental and palm trees can be used to fulfill up to twenty-five (25%) percent of minimum tree requirements. Shade and large canopy trees shall make up at least seventy-five (75%) percent of minimum tree requirements. All required trees shall be in good health, conform to the standards for Florida No. 1 or better, as given in the Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services. Trees used to meet these minimum tree requirements can also be used in calculations for minimum requirements in the Landscaping Ordinance.

Sec. 29.10 Voluntary Planting:

Nothing in this Ordinance shall be construed to prohibit the planting of trees or vegetation except that which is identified on the LIST OF NOXIOUS/EXOTIC SPECIES (Section 29.17). Trees and/or other plants indicated on the LIST OF NOXIOUS/EXOTIC SPECIES shall not be planted in the City of Eustis and shall be removed from all development sites as a part of the normal site preparation activity.

Permission from the City Manager shall be required prior to planting, pruning, or removing any tree in public parks, road rights-of-way, or other publicly owned property.

Sec. 29.11 Removal of Noxious/Exotic Species:

A list of plants considered to be harmful (Section 29.17) is attached to and shall become a part of this Ordinance.

Removal of plants indicated on the LIST OF NOXIOUS/EXOTIC SPECIES is required as a part of normal site preparation and shall not require a permit. Prior to removal of these plants, however, formal verification shall be required from the City Manager as to the existence of such plants.

Sec. 29.12 Harmful Acts:

No person shall abuse, mutilate or otherwise damage any protected tree, as described herein, or any tree located on public property, including those trees located in the public right-of-way along street frontages within subdivisions.

However, nothing in this section shall be construed to prevent reasonable and proper trimming of trees on public property by authorized persons in accordance with accepted horticultural methods.

No person shall attach any signs in an injurious manner to any tree, nor shall any person cause any substance harmful to trees to come in contact with them, or prevent water or oxygen from reaching their roots.

Sec. 29.13 Appeals:

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the City Manager for a decision.

An appeal of said decisions shall be presented to the Board of Zoning Appeals on matters of interpretation and the Code Enforcement Board on matters of enforcement.

Upon exhaustion of administrative remedies, recourse from decisions of the Board of Zoning Appeals and Code Enforcement Board shall be in the Circuit Court under the Florida Rules of Appellate Procedure.

Sec. 29.14 Administration and Enforcement:

The City Manager shall administer and enforce the provisions of this ordinance. Any violation of the provisions set forth herein shall be brought to the property owner's attention by a certified letter from the City Manager. The property owner shall be given thirty (30) days to correct the violation. A continued violation of the Code shall be deemed a violation of the Tree Protection and Preservation Ordinance enforced in accordance with the Code Enforcement Board as set out under Chapter 2 of the Code of Ordinances.

Sec. 29.15 Penalties:

Penalties shall be in accordance with the requirements set forth in Chapter 2 of the City of Eustis Code of Ordinances.

Sec. 29.16 Relation to Comprehensive Plan:

This ordinance, designed to preserve and protect trees within the City of Eustis fulfills the requirements of the City of Eustis Comprehensive Plan, Volume 3: Goals and Recommendations, as follows:

- a. Policy 4.2.10 Future Land Use Element
- b. Policy 1.1.3 Conservation Element
- c. Policy 2.2.1 Conservation Element

Sec. 29.17 LIST OF NOXIOUS/EXOTIC SPECIES

Specific plant species, which are prohibited within the City of Eustis, as defined in Section 29.02 Definitions.

Canopy and Understory Trees

- 1) Brazilian Pepper or Florida Holly (*Shinus terebinthifolius*)
- 2) Melaleuca, Punk Wood, Paper Tree, Cajeput Tree (*Melaleuca quinquenervia*)
- 3) Australian Pine (*Casuarina* sp.)
- 4) Ear Tree (*Enterolobium controtisiliquum*)
- 5) Chinaberry (*Melia azedarach*)
- 6) Chinese Tallow (*Sapium sebiferum*)
- 7) Silk Oak (*Grevillea robusta*)
- 8) Paper Mulberry (*Broussonetia papyrifera*)

Shrubs, Vines and Ground Covers

- 1) Air potato/air yam (*Dioscorea bulbifera*)
- 2) Downy rose myrtle (*Rhodomyrtus tomentosa*)
- 3) African Bowstring Hemp (*Sansevieria hyacinthoides*)
- 4) Castor Bean Plant (*Ricinus communis*)
- 5) Lantana
- 6) Kudzu

Sec. 29.18 APPROVED TREE LIST

All approved trees, as defined in Section 29.02 Definitions, including but not limited to the trees listed below:

Ash	(<i>Fraxinus</i> sp.)
Atlantic White Cedar	(<i>Chamaecyparis thyoides</i>)
Basswood	(<i>Tilia</i> sp.)
Black Cherry	(<i>Prunus serotina</i>)
Black Gum	(<i>Nyssa sylvatica</i>)
Black Walnut	(<i>Juglans nigra</i>)
Bumelia	(<i>Bumelia tenax</i>)
Cabbage Palm	(<i>Sabal palmetto</i>)
Camphor	(<i>Cinnamomum camphora</i>)
Cedar	(<i>Juniperus</i> sp.)
Cherry Laurel	(<i>Prunus caroliniana</i>)
Chickasaw Plum	(<i>Prunus angustifolia</i>)
Cottonwood	(<i>Populus</i> sp.)
Crape Myrtle	(<i>Lagerstroemia indica</i>)
Cypress	(<i>Taxodium</i> sp.)
Date Palms	(<i>Phoenix</i> sp.)
Devilwood	(<i>Osmanthus americanus</i>)
Fringe Tree	(<i>Chionanthus virginicus</i>)
Elm	(<i>Ulmus</i> sp.)
Flowering Dogwood	(<i>Cornus florida</i>)
Hackberry	(<i>Celtis</i> sp.)
Hickory	(<i>Carya</i> sp.)
Holly	(<i>Ilex</i> sp.)
Hornbeam/Blue Beech	(<i>Carpinus caroliniana</i>)
India Rosewood	(<i>Dalbergia sissoo</i>)
Jerusalem Thorn	(<i>Parkinsonia aculeata</i>)
Loblolly Bay	(<i>Gordonia lasianthus</i>)
Loquat	(<i>Eriobotrya japonica</i>)
Magnolia	(<i>Magnolia</i> sp.)
Maple	(<i>Acer</i> sp.)
Oak	(<i>Quercus</i> sp.)
Pecan	(<i>Carya illinoensis</i>)
Persimmon	(<i>Diospyros virginiana</i>)
Pine	(<i>Pinus</i> sp.)
Red Bay	(<i>Persea borbonia</i>)
Redbud	(<i>Cercis canadensis</i>)
Red Mulberry	(<i>Morus rubra</i>)
Southern Wax Myrtle	(<i>Myrica cerifera</i>)
Sparkleberry	(<i>Vaccinium arboreum</i>)
Sweetgum	(<i>Liquidambar styraciflua</i>)
Sycamore	(<i>Platanus</i> sp.)
Tar Flower	(<i>Befaria racemosa</i>)
Tulip Poplar	(<i>Liriodendron tulipifera</i>)
Tupelo	(<i>Nyssa</i> sp.)
Walter's Viburnum	(<i>Viburnum obovatum</i>)
Washington Palm	(<i>Washingtonia robusta</i>)
Willow	(<i>Salix</i> sp.)

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 3. This Ordinance shall take effect immediately upon its final passage and adoption.

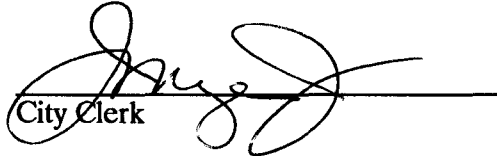
Section 4. All Ordinances or parts of Ordinances, insofar as they are inconsistent with or in conflict with the provisions of this Ordinance, shall be and are hereby repealed.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this the 6th day of February, 1992.


CITY COMMISSION OF THE
CITY OF EUSTIS


Mayor-Commissioner

ATTEST:


City Clerk

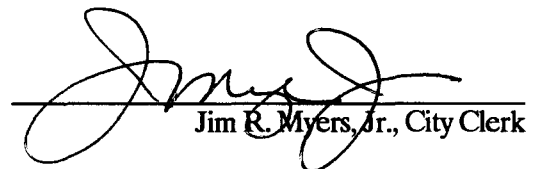
This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.


Lewis W. Stone, City Attorney

2-6-1992
Date

CERTIFICATE OF POSTING

The foregoing Ordinance No. 92-01 is hereby approved, and I hereby certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Community Center; all within the corporate limits of the City of Eustis, Lake County, Florida.


Jim R. Myers, Jr., City Clerk