

**INCORPORATED VILLAGE OF OCEAN BEACH
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 6 OF 2023 ENACTING
CHAPTER 144 OF THE VILLAGE CODE – TREES AND
VEGETATION PROTECTION ORDINANCE**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Ocean Beach as follows:

Section 1. Chapter 144 of the Village of Ocean Beach Village Code, entitled “Trees and Vegetation Protection Ordinance”, is hereby enacted as follows:

Article I. Tree or Vegetation Removal and Substantial Clearing

§144-1 Findings.

- A. The Board of Trustees hereby finds that trees and other vegetation perform numerous important and essential functions, including but not limited to the stabilization and preservation of soil; prevention of erosion, absorption of air pollution and production of oxygen; establishment of natural barrier to noise and habitats for wildlife; and creation of a desirable aesthetic quality which is a key factor in the Village's existence as a rural resort community. The Board of Trustees further finds that the destruction or removal of trees and other vegetation deprives all sectors of society of these benefits, while disrupting ecological systems of which they are an integral part, and that regulation of such destruction or removal will protect and preserve property within the Village and promote the general welfare and health of its inhabitants.
- B. The destructive and indiscriminate removal of trees, shrubs and other woody vegetation causes increased Village costs for proper drainage control, impairs the benefits of occupancy of existing residential properties, impairs the stability and value of both improved and unimproved real property in areas of the destruction and adversely affects the health, safety, and general welfare of the residents of the Village.
- C. For all these reasons, it is in the best interests of the Village, its residents, and the public, to enact Village-wide regulations to ensure the thoughtful and controlled management of trees and other vegetation in the Village and to avoid and discourage the indiscriminate clearing of properties within the Village's boundaries.

§144-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADJACENT PROPERTY OWNER -The person, firm, entity, or corporation owning property bordering a village street.

APPLICANT - The owner, contract vendee or lessee of real property or their duly authorized agent.

DRIPLINE - A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DESTROY - Includes, but without limitation: poisoning; ringing the tree; excessive peeling of bark; damaging, compacting, or overburdening the roots; using herbicides, or fire, or cutting in such a manner as to bring about the ultimate death of such tree.

NUISANCE - Anything or act that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates public health, safety, and welfare.

PARK - Includes land designated as a park pursuant to New York State statutes as well as areas such as playgrounds, pools, or other recreational facilities within the village under the jurisdiction of the Village Board of Trustees pursuant to the Village of Ocean Beach Codes.

PUBLIC PLACES - Includes all grounds owned, leased, or controlled by the Village of Ocean Beach, for public use.

PUBLIC TREE - Any tree, located on municipal property or within the municipal right-of-way.

ORNAMENTAL TREES - Small to medium trees that grow 15 feet to 40 feet in height at maturity, and that are planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

PERSON - Any individual, their successors, assigns or agents, and any business' entity, including partnerships, corporations, or other business forms.

SEVERE ROOT PRUNING - Cutting back the underground tree roots inside 1.5 times the dripline of the tree will be detrimental to the life of the tree.

STREET - A road, avenue, lane, alley, culvert, embankment, or walk which the public has a right to use.

STREET TREE - Any tree, shrub, bush, or other woody vegetation on land lying between property lines on either side of all streets, walks or roads, such as the municipal right-of-way.

SHADE TREES - A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

SUBSTANTIAL ALTERNATION - Any cutting or pruning of trees or vegetation, more than the normal and customary cutting and pruning necessary to: (a) preserve the health of the plant material; (b) maintain its ornamental quality; or (c) comply with other provisions of this Code concerning clearance on roads and public spaces.

SUBSTANTIAL CLEARING - Any clearing, cutting or drastic pruning of trees, brush, or vegetation on more than 20% of a property which alters the runoff pattern of stormwater or impairs, destroys, or endangers the life of such brush or vegetation or its role as a natural habitat.

TOPPING - Severe cutting back of limbs to stubs larger than two inches in diameter within the tree crown to such degree to remove the normal canopy and disfigure the tree.

TREELAWN - The green space adjacent to a street or walk, not covered by sidewalks or other paving, lies between the property line and that portion of the street or highway usually used for vehicular traffic.

TREE - A living woody perennial plant being either deciduous or evergreen, Having a trunk diameter of three (3) inches or minimum height of five feet tall.

TREE MEASUREMENT - Also known as "diameter breast height."

TREE WORK - Includes, but is not limited to, pruning, shaping, thinning, cabling, stump removal, root pruning, topping, fertilizing, removing, planting, and spraying for insect and disease control, of a tree.

UTILITIES - Those entities that provide electricity, gas, sewer, water, telephone, and cable television to properties within the Village.

VEGETATION - Includes any trees, shrubs, bushes, or woody vegetation typically found on Fire Island, more than four (4) feet tall, including, but not limited to, swamp rose (*Rosa palustris*), arrowwood (*Viburnum dentatum*), American elder (*Sambucus canadensis*), black gum (*Nyssa sylvatica*), black cherry (*Prunus serotina*), northern bayberry (*Myrica pensylvanica*), highbush blueberry (*Vaccinium corymbosum*), black chokeberry (*Aronia melanocarpa*), beach plum (*Prunus maritima*), American holly (*Ilex opaca*), sassafras (*Sassafras albidum*), and serviceberry (*Amelanchier canadensis*).

VILLAGE - Includes all lands within the corporate boundaries of the Incorporated Village of Ocean Beach.

TREES AND VEGETATION PROTECTION ORDINANCE

[HISTORY: Adopted by the Board of Trustees of the Village of Ocean Beach on December 16, 2023]

§144-3 Tree Ordinance Chapter.

Title.

This chapter shall be known and may be cited as the "Tree and Vegetation Protection Ordinance law of the Village of Ocean Beach."

§144-4 Tree Regulation in Public Places

- A. The municipality or its agent shall perform all necessary maintenance to preserve and protect street trees in a safe and healthy condition, including trimming, spraying, fertilizing, watering, staking, topping, root pruning, mulching, treating for disease or injury, and removal if necessary.**
- B. The Village shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of village streets and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.**
- C. The Code Enforcement Officer may recommend with consultation with an authorized arborist if needed when a tree or part of a tree be removed if the tree or tree part:
 - (1) Poses a potential public safety risk or hazard; or**
 - (2) Causes an unsafe condition; or**
 - (3) By its nature, is injurious to sewers, electric power lines, gas lines, waterlines, or other public improvements; or**
 - (4) Is affected with any injurious fungus, insect, or pest.****
- D. No property owner shall be permitted to allow a tree, shrub, or other vegetation on his property to obstruct or interfere with the view of drivers of vehicles or pedestrians on the sidewalk to create a traffic hazard. If such tree, shrub, or other plant does overhang or does otherwise adversely affect any street, sidewalk, or right-of-way within the village, the property owner shall, at the owner's expense, prune the tree, shrub, or plant so that it shall not obstruct the view of any street intersection or obstruct or hinder passage on any street or sidewalk. If an owner must trim a tree, shrub, or other plant, the owner must provide for a clear space of eight feet above the surface of the sidewalk and up to 7 feet above the surface of the street after consultation with Code Enforcement Officer. If an obstruction persists, the Code Enforcement Officer shall mail a notice, in writing, to the property owner to prune or remove the tree, shrub or plant within 10 days. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost for such work to the property owner. If such charge remains unpaid for 60 days, the expense shall be added to the next real estate tax bill of the property owner.**
- E. Prohibited actions.
 - 1. No person or utility shall plant, spray, fertilize, treat, prune, remove, cut above ground, disturb the root system, or otherwise disturb any public tree or shrub on any village street, park, or public place without a permit.**
 - 2. Further, no person shall fasten or attach to any tree any sign, poster, bill, notice or advertisement of any kind.**
 - 3. No person or utility shall cause or permit any brine, oil, gasoline, liquid dye, or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a tree which could injure such tree.****

4. No person shall fasten or cause to be fastened any animal to a tree in any street or public place or permit any animal owned by him or in his charge to stand so near any such tree that the tree may be gnawed at or otherwise injured by the animal.
5. No trees shall be planted or allowed to grow on private or public lands within the limits of, or which will interfere with, any drainage, sewer, water, or utility easement.

F. Planting and maintenance

1. **Application to plant.** No one, except the Village of Ocean Beach or its agents acting on the Village's behalf shall plant a tree or shrub upon Village property or upon a Village tree lawn without first applying for an application.
2. **Information required.** Anyone applying for an application shall state the number of trees to be set out; the location, species, or variety of each tree to be planted; the method of planting; and any other information shall find reasonably necessary for its recommendation to the Codes Enforcement Officer to issue the appropriate permit.
3. **Removal, replanting, and replacement.** No one except the Village of Ocean Beach or its agents acting on the Village's behalf or utility providers, shall remove, replant, or replace a tree from Village property or the tree lawn for any reason without first applying for and receiving a permit from the Codes Enforcement Officer. Such replacement shall meet the standards of size, species and placement as set by specifications set forth by this chapter in §144-5C.
4. **Notice of completion.** Notice of completion shall be given to the Codes Enforcement Officer so a final inspection may be made.

G. Removal of dead and diseased trees from private property.

Private property owners have the duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to person or property of others. The Village Code Enforcement officer shall recommend and provide the property owner with written notification that a tree or shrub should be removed for the reasons stated above. Owners shall, at their own expense, remove such trees. Owners shall have 15 days after the date of service of the notice to inform the Code Officer as to when the tree shall be removed. Owners shall have no more than 30 days after informing the Code Officer to remove such trees unless the Code Officer indicates otherwise in writing. If owners fail to comply with such provisions, the Village shall remove such trees and charge the cost of removal to the property owner upon notice. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

H. Topping and root pruning trees.

It shall be unlawful for any person, firm, entity or corporation, to top any street tree or shrub, or to engage in severe root pruning. Trees severely damaged by storms or certain trees under utility

wires or other obstructions, where other pruning practices are impractical, may be exempted from this chapter upon the recommendation of Code Enforcement Officer.

I. Trees near excavation or construction.

1. No person shall excavate any ditches, tunnels, or trenches, or lay any drive within the dripline of a public tree without first obtaining a permit from the Village.
2. No person shall remove a tree or shrub from the tree lawn for the purpose of construction or for any other reason without first filing an application and receiving a permit from the Village.
3. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a substantial fence, frame, or box not less than four feet high. Whenever possible, the diameter of such fence, frame or box should be at least one and one-half times the dripline. At no time shall the fence, frame, or box extend beyond the sidewalk into the street, nor shall such fence, frame, or box cause a hardship for those using the sidewalk.
4. When construction, excavation, and/or material deposits result in the destruction and/or removal of a street tree, the person responsible for that damage shall replace the street tree with either a tree or trees of equivalent dollar value in the vicinity of the removed street tree.

J. Interference with tree work.

No one shall hinder, prevent, delay, or interfere with the Village of Ocean Beach or its agents, including Code Enforcement officer, or any of its assistants, or any contractors while engaged in carrying out the enforcement of this chapter or duly adopted regulations.

K. Specifications and standards of practice.

1. The Village of Ocean beach hereby adopts the Arboricultural Specifications and Standards of Practice of the International Society of Arboricultural as published under American National Standard for Tree Care Operations (ANSI A300-1995) or the most recent edition (a copy of which is available for review)
2. All tree work done by or in the Village of Ocean Beach shall conform to these specifications and standards.

§144-5 Tree Regulation on Private Property.

A. On private property, no person shall perform the following acts, or cause the following acts to be performed, except in accordance with a valid permit issued pursuant to this chapter:

1. Remove, cut down, destroy, substantially alter, or substantially clear any tree or vegetation defined above in the Village, or

2. Remove, cut down, destroy, substantially alter or substantially clear, any rare or endangered species of trees or vegetation as listed by any governmental agency of New York State or the United States, or any large or outstanding specimen of vegetation, or any tree as determined by the Board of Trustees upon written petition by the Village of Ocean Beach Environmental Commission (VOBEC) or Village residence seeking to declare such tree or vegetation of significance to the Village.
3. Upon request by the Board of Trustees, VOBEC will provide advice and recommendations on tree and vegetation related matters.

B. Rules and Regulations for the Issuance of permits.

1. The Village Board of Trustees will establish written rules and regulations and plan requirements for efficiently discharging the Village Building Department's responsibility under this chapter, which shall be in writing and filed in the Village Clerk's Office.
2. Application for permit fee \$50.00.
3. If consultation of an Arborist or Horticulturist is deemed necessary, that cost of the consultation will then be the responsibility of the permit holder or property owner.
4. Applications for a permit shall be on forms supplied by the Village Building Department and signed by the property owner.
5. Applications for permits issued pursuant to this chapter shall be reviewed and decided by the Village Building Department.
6. The Village Building Department shall issue a permit pursuant to this chapter when the requested action is necessary: (i) for public safety; (ii) to prevent the spread of disease or invasive pests; (iii) to preserve a preferred species or fruit tree; (iv) to avoid congested overgrowth; (v) to remove dead or dying, trees; (vi) to accommodate approved construction or demolition work; or (vii) the requested action will not adversely affect the natural or built environment on the subject property or the immediate area, and will not result in substantial clearing of an entire property.
7. The decision of the Village Building Inspector shall be based upon the following criteria:
 - a) The condition of the tree with respect to public safety, disease and danger of falling, proximity to existing or proposed structures and interference with utility services or intended use of the land.
 - b) The necessity of the removal or alteration of the tree is in question.
 - c) The effect of the removal or alteration thereof on the ecosystem and possible presence of protected habitat.
 - d) The applicant's intention is to replant trees and revegetate the property.
 - e) As a condition to the issuance of a permit under this section, the Building Inspector may require the replacement in kind of one or more of the trees or vegetation to be cut down, removed, destroyed, substantially cleared, or substantially altered when the individual character of the tree or vegetation or the ecological setting requires special consideration. The location and time

for planting of the replacement tree or trees shall be specified by the Building Inspector in the permit for removal. The applicant and the owner of the real property affected shall each be responsible for planting replacement trees as specified in the permit. Failure to comply with the plan required by the Building Inspector shall constitute a violation of this section.

8. A copy of the approved permit or disapproved permit shall be maintained by the Village Clerk and/or Village Building Department.
9. No permit may be issued that would result in the cumulative removal, cutting down, destruction, substantial alteration or substantial clearing of more than 20% of vegetation on the same property within the same twelve-month period.

B. Vegetation Removal Plan required.

1. If any tree or vegetation as defined above is proposed to be removed, cut, destroyed or substantially altered, the applicant shall submit a plan inventorying all existing trees of a four-inch diameter or larger measured four (4) feet above the surrounding ground level and a tree removal or alteration plan for the entire property, together with the required permit application. The removal or alteration plan shall be in conformity with the rules and regulations promulgated by the Village Board of Trustees. If such a plan requires trees or vegetation to be removed, they must be replaced on the same plot by equivalent species with a total circumference equal to at least 50% of the circumference of the trees removed. Replacement or revegetation plant material shall be selected from Village Code Appendix L of recommended species known to thrive in the Fire Island environment.
2. If any trees or vegetations defined above are to be removed, cut, destroyed, or substantially altered because of any approved new construction or substantial renovation to any existing structure(s), whether it be an addition, expansion, new structure, or demolition, the Village Building Department shall require a tree removal or alteration plan showing the location of the trees to be removed. The plan shall be submitted to the Village Building Inspector simultaneously with the building permit application. No cutting, removal, destruction, or substantial alteration in connection with construction shall be permitted until the plan is approved by the Village Building Inspector. If such a plan requires trees or vegetation to be removed, they must be replaced on the same plot by equivalent species with a total circumference equal to at least 50% of the circumference of the trees removed. Replacement or revegetation plant material shall be selected from Village Code Appendix L of recommended species known to thrive in the Fire Island environment.

D. Penalties for offenses. Any person, firm, entity, or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction there of shall be fined.

1. Each tree or shrub removed, cut down, destroyed, substantially altered, or substantially cleared in violation of this chapter shall be a separate violation.
2. The Village Building Inspector shall stop all work and construction activity on any premises where a violation of this chapter has occurred and is prohibited from issuing any certification of occupancy or additional permit(s) for construction at the

property or permitting work to resume, unless and until the provisions of this chapter have been satisfied.

3. Any person convicted of violating the provisions of this chapter shall be required to replace, in kind, every tree removed, cut down or destroyed in violation of this chapter. If a tree was so large and mature that it cannot be replaced, the court, upon the recommendation of the Village Building Inspector, may require the planting of multiple trees. In addition, such a person shall, upon conviction, pay a fine of not less than \$500 and not more than \$ 1,000 per tree.
4. Any person who is non-complaint with their submitted landscape plans, recommendations of the Code Enforcement Officer or the replacement in kind of tree or vegetation within a nine-month period from original violation date shall receive a recurring fine.
5. Each violation of this chapter shall be punishable by a penalty or fine of not less than \$500 but not exceeding \$1,000. Each "tree," as defined in §144-2. Definitions, shall constitute a separate violation. In addition, any person, firm, corporation, or entity violating this chapter may be required by the to replace each tree and/or natural vegetation cut, destroyed, or removed with a tree and/or natural vegetation of comparable species and/or replace the original grading of the parcel of land upon which such violation occurred. A separate and distinct offense shall be deemed committed on each day during which or on which a violation occurs or continues.
6. In addition to any penalties that may be imposed pursuant to above, any person who violates any provision of this chapter or any conditions imposed upon issuance of a permit issued pursuant to this chapter may be ordered to cease and desist the unlawful destruction or removal of trees and/or restore the premises damaged by the unlawful destruction or removal of trees with such species of trees as are nearly comparable and to such suitable condition as the Board of Trustees may require. If such person refuses or fails to restore the real property to a condition ordered by the Board of Trustees, the Board may proceed in a court of competent jurisdiction for an order directing such person to restore such property.

§144-6 Severability.

If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part hereof directly involved in the controversy in which judgment should have been rendered.

§144-7 Enforcement; presumptions.

- A. The Village of Ocean Beach Building Inspector, Code Enforcement Officer or members of the Village of Ocean Beach Police are hereby vested with the authority to enforce the provisions of this chapter and issue summonses for violations.
- B. It is a rebuttable presumption, for enforcing this chapter, that the owner on whose land any tree has been removed, cut down, destroyed, or substantially altered without the necessary permit is the person responsible for performing or permitting the act complained of.

§144-8 Appeal process.

Any person aggrieved by the denial of a permit sought pursuant to this chapter shall have the right to appeal the decision to the Village of Ocean Beach Board of Trustees within 30 days after the Village Building Department issues a written denial to the applicant.

§144-9 Exceptions.

- A. No permit shall be required for the normal and necessary horticultural trimming and cutting of trees by a utility company to maintain utility lines or cables.**
- B. Any emergency in which the removal, destruction or substantial alteration of any tree is necessary to prevent imminent danger to human life or property.**
- C. Approved removal of invasive species.**

§144-10 New York State Environmental Quality Review Act (NYSEQRA).

The Board of Trustees hereby declares the adoption of this Local Law a Type II action, pursuant to the NYSEQRA and, therefore, no further environmental review is required.

§144-11 Effective Date.

This local law shall take effect immediately upon filing with the New York Secretary of State.

APPENDIX "L"

TREES - Evergreens -many pines, Junipers, Cypress and spruce are suitable							
Common Name	Botanical Name	Damp Soil Tolerance	Deer Resistant	Max Height	Sun or Shade	Special Notes	
River(black) birch	Betula nigra	Yes	Yes	10'-20'	Shade to part sun	Young bark is pinkish in color	
Sweet bay (magnolia)	Magnolia virginiana	Yes	Yes	10'-20'	Sun or shade	Energy source for migrating birds	
Swamp white oak	Quercus bicolor	Yes	Yes	50-60'	Sun, partial shade	Pollen provides food for pollinators	
Black willow	Salix nigra	Yes	No	35'-60'	Shade tolerant	Nectar, pollen are early food for bees	
Fringe tree (old man's beard)	Chionanthus virginicus	Moderate	Yes	12'-20'	Sun, partial shade	Fruit is food source for birds	
Tulip poplar (little volunteer)	Liriodendran tulipifera	Moderate	Yes	up to 50'	Shade tolerant	Attracts birds, bees, tiger swallowtail	
American holly	Ilex opaca	Moist, well drained	Yes	30' or more	Sun, partial shade	Native to Fire Island	
Black cherry	Prunus serotina	Moist, well drained	Fair	30' or more	Sun, partial shade	Fruit is food source for birds	
Eastern red cedar	Juniperus virginiana	Moderate	Yes	<30'	Sun	Fruit food source for birds; salt tolerant	
Black oak	Quercus velutina	Moderate		>30'	Sun	Foliage turns red in fall	
Red maple	Acer rubrum	Yes	Moderate	>30'	Sun	Foliage turns red in fall	
SHRUBS AND BUSHES (EVERGREENS)							
Common Name	Botanical Name	Damp Soil Tolerance	Deer Resistant	Max Height	Sun or Shade	Special Notes	
Highbush blueberry	Vaccinium corymbosum	Yes	No	6'-12'	Sun, partial shade	Fruit eaten by many birds	
Winterberry (holly)	Ilex verticillata	Yes	Yes	up to 10'	Sun, partial shade	Males & females are separate plants	
Coast pepperbush (Summer sweet)	Clethra alnifolia	Yes	Yes	3'-10'	Sun, partial shade	Attracts bees	
Red chokeberry	Aronia arbutifolia	Yes	Yes	6'-10'	Sun, partial shade	Self pollinating	
Beach plum	Prunus maritima	Fair	Fair	10'	Sun	Good jam & jelly	
Northern bayberry	Morella pensylvanica	Yes	Yes	3' - 5'	Sun, partial shade	Aromatic	
Swamp milkweed	Asclepias tuberosa	"Mucky" soil	Yes	3'-10'	Sun	Food for monarch larvae; attracts butterflies and birds	
Common milkweed	Asclepias syriaca	No	Yes	3'	Sun	Food for monarch larvae	
GRASSES							
Common Name	Botanical Name	Damp Soil Tolerance	Deer Resistant	Max Height	Sun or Shade	Special Notes	
Little bluestem	Schizachyrium scoparium	Yes	Yes	4"-8"	Sun, partial shade	Attracts birds & butterflies	
Switchgrass	Panicum vergatum	Yes	Yes	3-8'	Sun, partial shade	Seeds are food source for songbirds	
Tussock sedge	Carex stricta	Yes	Yes	2-3'	Sun	Birds use leaves & stem for nests	
Tufted hairgrass	Deschampsia cespitosa		Yes	1-3'	Partial shade	Food for many birds	
Northern Sea Oats	Cansmannthium latifolium	Moderate	Yes	5'	Sun	Grown ornamentally for its fruit	
Beach grass	<i>Ammophila breviligulata</i>		Yes	1-2'	Sun, light shade	Salt tolerant; stabilizes sandy soils	

Definitions: **dry site:** is one with the water table two feet or more below the surface

moist site: is one with the water table within one foot of the surface

overwash site: is one exposed to ocean or bay overwash, annually (more or less)

sheltered site: is one protected from wind by dunes, structures, or vegetation exposed site is one open to wind, particularly in winter

Useful references include: US Department of Agriculture, NRCS, National Resources Conservation Service, <https://www.usda.gov/wps/portal/nrcs/site/ny/home> - *Native Alternatives to Invasive Plants*, Brooklyn Botanical Gardens, 2007. Ladybird Johnson Wildflower Center, wildflower.org. Deer Resistant Plants, deerlandscape.com.