

38 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of
39 Ordinances are hereby amended as follows with ~~strike-throughs~~ being deletions from the
40 Code and underlines being additions to the Code:

41 The title to Chapter 107, Division 10, Subdivision 2 is hereby deleted and amended to read
42 as follows:

43 **Subdivision 2. Residential Landscape and Tree Canopy Management**

44 **Sec. 107-369. Purpose.**

45 (a) The tree code regulations protect the health, safety, and general
46 welfare of the citizens of the city. In doing so, the appearance of
47 the city is enhanced and important ecological, cultural, and
48 economic resources are protected for the benefit of the city's
49 residents, businesses, and visitors.

50 (b) Because the city experiences frequent drought conditions, these
51 regulations are also intended to encourage low water demanding
52 landscapes (Xeriscapes) through the use of native and adapted
53 low water use plants from the Austin Grow Green Guide found
54 on the City of Austin Website. The planting of turfgrass on less
55 than 50% of the total landscaped areas, with that turf grass
56 preferably having summer dormancy capabilities such as Buffalo
57 grass, Zoysia grass, or non-seeding varieties of Bermuda grass is
58 also encouraged.

59 (c) It is the intent of these regulations that site plan and project
60 design will preserve the existing natural character of the
61 landscape and the retention of protective trees as much as
62 possible.

63 ~~(b)~~(d) The sections within this subdivision address trees in both
64 development and non-development situations and seek to
65 enhance the quality of the tree canopy and optimize the benefits
66 that trees provide.

67 ~~(e)~~(e) For development situations, additional requirements to this
68 subdivision are designated in [section] 107-376.

69 **Sec. 107-370. Applicability.**

70 This subdivision applies to property in the residential zoning
71 district and to any other property to which section 107-341 of this
72 Code does not apply.

73 **Sec. 107-371. Definitions.**

74 In this subdivision:

75 (a) *Protected species* means:

76 (1) Ash, Texas

- 77 (2) Cypress, Bald
78 (3) Elm, American
79 (4) Elm, Cedar
80 (5) Madrone, Texas
81 (6) Maple, Bigtooth
82 (7) All Oaks
83 (8) Pecan
84 (9) Walnut, Arizona
85 (10) Walnut, Eastern Black
- 86 (b) *Protected tree* means a tree that has a trunk with a diameter of 12
87 inches or more, measured four and one-half feet above ground,
88 and is one of the protected species;
- 89 (c) *Replacement species* means:
- 90 (1) For trees planted within 20 feet of an above-ground
91 power, cable, or telephone line:
- 92 a. Anacacho Orchid Tree
93 b. Common Tree Senna
94 c. Crape Myrtle (dwarf)
95 d. Desert Willow
96 e. Evergreen Sumac
97 f. Eve's Necklace
98 g. Flameleaf Sumac
99 h. Goldenball Leadtree
100 i. Mexican Buckeye
101 j. Mexican Plum
102 k. Possumhaw Holly
103 l. Rough Leaf Dogwood
104 m. Texas Mountain Laurel
105 n. Texas Persimmon
106 o. Texas Pistache
107 p. Texas Redbud
108 q. Wax Myrtle
109 r. Yaupon Holly
110 s. Cherry Laurel
- 111 (2) For all other trees planted within a property, a protected
112 species.
- 113 (d) *Replacement tree* means:

- 114 (1) For the replacement species listed in subsection (c)(1), a tree
115 at least eight feet high when planted, which shall be
116 maintained in a healthy condition after planting;
- 117 (2) For the replacement species listed in subsection (c)(2), a tree
118 with a diameter equal to not less than one-fourth the diameter
119 of the protected tree it replaces up to a maximum diameter of
120 ~~six~~ five inches, which shall be maintained in a healthy
121 condition after planting. The diameter of protected and
122 replacement trees shall be measured four and one-half feet
123 above the ground when planted.
- 124 (e) Heritage tree means a Protected Tree of a protected species,
125 having a diameter of 24 inches or more, measured 4½ feet above
126 natural grade. To determine the diameter of a multi-trunk tree,
127 measure all the trunks; add the total diameter of the largest trunk
128 to ½ the diameter of each additional trunk. A total diameter of
129 24” or higher for a multi-trunk tree is a Heritage tree.
- 130 (f) Critical root zone (“CRZ”) means the area around and under a
131 tree having a radius of one foot per inch of diameter from the
132 trunk of the tree outwards and twenty-four inches in depth. For
133 example, for a tree having a 10-inch diameter, the critical root
134 zone is 10 feet out from the trunk and twenty-four inches deep.
- 135 (e)(g) Removal means an intentional act that causes or may be
136 reasonably expected to cause a tree to die, including:
- 137 (1) Uprooting;
- 138 (2) Severing the main trunk;
- 139 (3) Damaging the root system, including, but not limited to:
- 140 a. Adjusting the grading of a lot to cover or uncover
141 a tree trunk or root system to the extent that the
142 adjusted grading causes or may be reasonably
143 expected to cause the tree to die; or
- 144 b. Placing fixtures over the root system to the extent
145 that the placement of the fixtures causes or may be
146 reasonable expected to cause the tree to die.
- 147 (4) Construction or disturbance that shall occur within an area
148 that constitutes more than 50 percent of the total Critical root
149 zone (“CRZ”) and ½ the radial distance of the CRZ for each
150 tree being preserved, including Protected Trees and Heritage
151 Trees. Flatwork, decking, or similar construction is permitted
152 within the CRZ, and such work shall be approved and shall
153 not be classified as removal.

154 (5) If the proposed or actual protection of the CRZ before
155 construction, during construction, and following construction
156 does not meet the requirements of sec 101-256, then the tree
157 shall require mitigation in accordance with the terms of this
158 ordinance.

Commented [AP1]: Removed “the tree shall be considered removed” as that seemed repetitive for the section this is placed in.

160 (5) Excessive pruning, including, but not limited to, pruning that
161 exceeds 25 percent of the canopy of the tree.

Commented [NS2]: Language added from the 2.19.2025 meeting from language provided by CRCRC member Jay Van Bavel.

162 ~~(f)~~(h) Certified City arborist means an ISA certified arborist.

163 (i) City Development Officer means that individual designated by the
164 City Administrator from time to time.

165 **Sec. 107-372. Administration.**

166 (a) A city arborist shall be appointed by the city council who shall
167 coordinate with the City Development Officer when determined
168 necessary to assist in promulgating forms for use under this
169 subdivision and to decide all applications for removal of a
170 protected tree.

171 (b) ~~If an applicant requests a variance as permitted under this~~
172 ~~subdivision, the city arborist shall direct the request to the city~~
173 ~~council and make a recommendation to the city council whether~~
174 ~~to approve the variance request.~~

175 ~~(e)~~(b) The list of eligible protected tree species under subsection 107-
176 371(a) and the list of eligible replacement tree species under
177 [subsection] 107-371(c) may be supplemented by approval of the
178 city council, in consultation with the city arborist. ~~Or as provided~~
179 ~~by subsection (e).~~

180 ~~(d)~~(c) All protected trees and heritage trees removed from a lot
181 should~~shall~~ be replaced on that lot unless a written permission is
182 submitted to the City from an adjacent lot owner to replant on the
183 adjacent lot. An applicant may satisfy a tree replacement
184 requirement by planting the required replacement tree(s) on the
185 property affected by the protected tree removal, or on one or more
186 other property(s) approved by the arborist or other designated
187 agent of the city if:

188 (1) The benefit to residents of the city would be as great as
189 replacement on the property affected by the protected tree
190 removal; and

191 (2) The owner(s) of such other property(s) agree in writing to
192 maintain the replacement trees in a healthy condition and
193 replace same with like trees, as necessary as a result of a

194 death of such tree(s), for a period of not less than three
195 years.

196 (e) ~~For purposes of subsections 107-372(c) and (d) the city and the~~
197 ~~owner may consult with an academic organization, state agency,~~
198 ~~nonprofit organization, or the city arborist to identify an area for~~
199 ~~which tree planting will best address the science based benefits~~
200 ~~of trees and other reforestation needs of the municipality within~~
201 ~~and outside of the city limits.~~

202 (d) The city council shall provide for fees payable for review of
203 applications for permits and variances pursuant to this division.

204 **Sec. 107-373. Removal of protected trees.**

205 (a) A person may not remove a protected tree without a tree removal
206 permit for the removal and compliance with the terms of this
207 subdivision.

208 (1) During removal of protected trees the tree removal permit
209 shall be displayed on the construction board for the site ~~in~~
210 ~~present~~ or otherwise displayed on a sign within the first
211 five feet of the front yard ~~setback~~ and if the house is not
212 under construction the permit for tree removal shall be
213 placed on the dashboard of the permitted vendor's vehicle.

214 (2) Removal of a Heritage tree in required yard space is
215 prohibited unless a Heritage Tree Removal Special
216 Exception is granted by the Board of Adjustment upon a
217 finding that: (i) ~~all~~ reasonable efforts have been made to
218 avoid removing the tree, (ii) the location of the tree
219 precludes all reasonable access to the property or all
220 reasonable use of the property, and (iii) removal of the tree
221 is not based on a condition caused by the method or design
222 chosen by the applicant to ~~develop the property.~~ A
223 Heritage Tree Removal Special Exception provided for in
224 this code will not be required for Heritage Trees removed
225 from the ~~permitted building footprint buildable~~ area but
226 such removal ~~is~~are subject to the tree removal permitting
227 and replacement regulations provide for in this Code.

228 (b) Emergency pruning or removal. Notwithstanding subsection 107-
229 373(a), a person may perform emergency pruning or removal of
230 a protected tree as follows:

231 (1) ~~When the condition or location of a protected tree presents~~
232 ~~a clear and immediate danger to a structure or to the health~~
233 ~~and safety of the public, the hazardous portion of the~~
234 ~~protected tree may be removed without first obtaining a~~
235 ~~required tree removal permit. Upon the report of a certified~~
236 ~~arborist hired by the property owner that a heritage tree is~~

Commented [NS3]: Section 107-373(a)(2) prohibits the removal of a heritage tree unless a special exception is granted. This section should be reviewed and modified to address concerns about the removal of heritage trees and the special exception process.

237 either: (i) dead; (ii) is an imminent hazard to life or
238 property, and the hazard cannot reasonably be mitigated
239 without removing the tree, in whole or in part; or (iii) is
240 diseased and restoration to sound condition is not
241 practicable or the disease may be transmitted to other trees
242 and endanger their health. This report must be confirmed
243 by the city arborist. The city administrator shall have the
244 authority to determine whether such documentation is in
245 order and may consider specific safety situations in light
246 of potential hazards to life or property. In the case of an
247 imminent hazard to life or property under subsection (ii),
248 documentation may be submitted within 72 hours after the
249 action is taken.

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251 (2) In the course of performing emergency repairs to a road or
252 water, wastewater, or drainage facilities, agents or
253 contractors of the city may trim, prune or remove a
254 protected tree as required to perform such work without first
255 obtaining a tree removal permit. If such activities occur
256 during normal business hours, the city shall first attempt to
257 contact the ~~city arborist~~ City Development Officer to
258 determine if the ~~city arborist~~ City Development Officer can
259 provide immediate guidance and assistance. If such
260 assistance is not immediately available, then the pruning or
261 removal may occur in accordance with the requirements
262 under chapter 18, article V of this Code.

263 (3) Any person who prunes or removes a protected tree under
264 the provisions of this subsection shall, within 14 days of
265 such action or as soon as practicable if there is a coinciding
266 declaration of a state of emergency in the city, apply for a
267 tree removal permit providing for replacement trees as
268 required by this subdivision. The application shall include
269 photographs or other documentation to demonstrate the
270 requisite clear and immediate danger. The ~~city arborist~~ City
271 Development Officer will evaluate the information to
272 determine whether a clear and immediate danger existed. A
273 failure to submit an application or a failure to submit
274 information demonstrating the clear and immediate danger
275 shall constitute a violation of this subdivision.

276 (c) The requirements of this subdivision apply to trees on public and
277 private property. To the extent of conflict with another section of
278 the Code, this subdivision applies.

279 **Sec. 107-374. Application for protected tree removal and tree removal**
280 **permits.**

- 281 (a) An applicant may request a tree removal permit application from
282 the city through the City's application platform located on the
283 City's website. ~~by phone, U.S. mail, fax, email or in person.~~
- 284 (b) An application for removal of a protected tree located on public
285 property, a right-of-way or a public easement may be submitted
286 by:
- 287 (1) An agent of the city, a public utility, or another political
288 subdivision with the authority to install the public facilities
289 and perform the work necessitating the removal of the
290 protected tree; or
- 291 (2) The owner of the property adjoining the site of the protected
292 tree.
- 293 (c) An application for removal of a protected tree on private property
294 may be submitted by or on behalf of the owner of the property on
295 which the tree is located.
- 296 (d) An application for removal of one or more protected tree(s) must
297 be submitted to the city secretary and approved prior to removal
298 of the protected tree. If the application is approved as provided
299 for in this subdivision, a permit shall be issued indicating each
300 protected tree that is approved for removal and indicating the
301 location(s) and size(s) of any required replacement trees and the
302 dates by which replacement trees must be planted. ~~No tree
303 removal permit shall be issued unless an approved building
304 permit is in place, which includes a detailed building footprint.
305 Any permit application for tree removal must be accompanied by
306 documentation confirming the issuance of the building permit.~~
- 307 (e) An application that proposes removal of a protected tree shall
308 include the required permit application fee.
- 309 (f) An application for removal of a protected tree shall include any
310 proposal for type(s) and location(s) of replacement trees on a site
311 plan of affected property(s).
- 312 (g) A permit for removal of a protected tree expires on the earlier of
313 either two years after its effective date, or upon removal of the
314 protected tree except that if any building permit issued for the
315 associated property expires or is revoked for any reason, the
316 permit for removal of a tree shall be revoked as well. Subject to
317 applicable expiration, a permit for removal of tree(s) is
318 transferable to a subsequent owner of the affected property,
319 provided that any obligation in the permit with respect to
320 replacement trees is assumed by the transferee.

Commented [NS4]: Remove because it creates an issue if seeking to remove a tree but not building a house

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Sec. 107-375. Conditions for approval.

- (a) If ~~the a~~ protected tree is ~~removed from a required yard, located within a yard line and property line setback area and the total width of the setback area within the yard line and the property line is greater than ten feet or greater from the edge of a property,~~ the protected tree shall be replaced with a total of three replacement trees that ~~may~~ **must** include a selection of replacement trees under subsections 107-371(a), ~~(d)(1) and (d)(2),~~ and shall ~~include at least one replacement trees under subsection 107-371 (d)(2).~~
- (b) ~~If the~~ **Each** protected tree ~~removed from an area not within a required yard is not located within an area specified in subsection 107-375(a), the protected tree~~ shall be replaced by one replacement tree under ~~either subsection 107-371(d)(1) or subsection 107-371(d)(2).~~
- (c) For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the species selected from Sec 107-371 (c) (1) ~~may~~ **shall** be used for replacement.
- ~~(e)(d)~~ If the protected tree trunk straddles an area specified in subsection 107-375(a), the protected tree is deemed to be in the area specified in subsection 107-375(a) if more than half of the diameter of the tree is within the area specified in subsection 107-375(a). ~~If a protected or heritage tree straddles the boundary between the yard and~~ **buildable area permitted building footprint area**, it shall be considered removed from the yard area if 25% or more of the trunk diameter is in the yard **area**.
- ~~(d)(e)~~ If the ~~city arborist~~ **City Development Officer** determines under subsection 107-373(b)(3) that an emergency existed at the time of removal that necessitated expedited removal or an applicant provides documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only and the protected tree falls under subsection 107-375(a), the city arborist may reduce the replacement tree requirement to one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).
- ~~(e)(f)~~ If the ~~city arborist~~ **City Development Officer** determines that an applicant provides sufficient documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only, and also not as a result of intentional bleaching, root cutting, or pruning more than 25 percent of the canopy, and that the certified arborist has documented at least two prior actions performed by the certified arborist within the

365 previous three years to mitigate the condition, the ~~city arborist~~
366 City Development Officer may reduce or waive the replacement
367 tree requirement for the protected tree and reduce or waive the
368 tree replacement application fee.

369 ~~(f)~~(g) If a protected tree is required to be removed under section 18-
370 209, the ~~city arborist~~ City Development Officer may reduce or
371 waive the replacement tree requirement for the protected tree and
372 reduce or waive the tree replacement application fee.

373 ~~(g)~~(h) The mayor may act to waive the replacement tree requirement
374 under this subsection 107-374(d) for a storm event, wildfire or
375 other calamity that causes widespread or costly damage to
376 multiple protected trees throughout the city.

377 ~~(h)~~(i) For a permit filed with an application for development of any
378 improvements or structures, if the density of protected trees in an
379 area described in subsection 107-375(b) is greater than seven
380 protected trees, the number of replacement trees required under
381 subsection 107-375(b) for a removal from such area is capped at
382 seven replacement trees, at least three of which shall meet the
383 requirements of subsection 107-371(d)(2).

384 ~~(i)~~(j) If a protected tree has a trunk on a first property and CRZ roots
385 and canopy that extend into a second property, the owner of the
386 second property is required to obtain a tree removal permit for
387 removal of the protected tree prior to performing any actions that
388 constitute removal under subsection 107-371(e) on the second
389 property. For purposes of determining removal under this
390 subsection for 107-371(e), damage to the root system is assessed
391 within the area that is a number of feet in diameter from the outer
392 edge of the tree trunk at four and one-half feet from the ground
393 based on a ratio of one foot for each inch of diameter of the tree
394 trunk. If the actions by the owner of the second property as to the
395 protected tree trigger a requirement for the owner of the first
396 property to apply for a tree removal permit for the protected tree,
397 the application review fee as to the protected tree on the first
398 property is waived.

399 ~~(k)~~ Replacement of a Heritage Tree permitted to be removed,
400 including a Heritage Tree within the ~~from a yard area or a~~
401 ~~permitted building footprint~~ buildable area, must be replaced
402 with one tree 5 inches in diameter, or more, for every 12 inches
403 in diameter of the removed tree. For example: 24 inches = 2 five-
404 inch diameter trees, 36 inches = 3 trees, etc. to be replaced. The
405 replacement trees must be of a species listed in subsection 107-
406 371(a). An exception to these mitigation requirements may be
407 granted by the City Development Officer, after consulting with
408 the City Arborist, and with the approval of the Zoning Board of

Commented [NS5]: Adjust due to concerns that homeowners may be unfairly penalized for tree deaths that were not the homeowners fault.

409 Adjustment, if the applicant demonstrates: (1) the existing tree
410 canopy would prohibit the growth of these replacement tree(s);
411 or (2) the required replacement trees to be installed would have
412 to be planted under the canopy of an existing tree.

413 **Sec. 107-376. Development application requirements.**

- 414 (a) An application for a building permit must:
- 415 (1) Include a tree survey and protection plan of all existing
416 trees on the property that are at least 12 inches in diameter
417 measured four and one-half feet above the ground;
418 including an indication of the CRZ of these trees.
 - 419 (2) Include a grading and tree protection plan for protecting
420 all protected trees that are not approved for removal;
421 The protection plan submitted for these trees must include
422 actions necessary for the best chance of survival of these
423 protected trees, including adequate watering before,
424 during and after construction until a certificate of
425 occupancy is granted.
 - 426 (3) Demonstrate that the design will preserve the existing
427 natural character of the landscape as to any protected trees
428 not approved for removal; and
 - 429 (4) Include a tree removal permit application with required
430 fees for review of each proposed removal of a protected
431 tree.
- 432 (b) ~~The building official~~ City Development Officer may not release
433 or renew a building permit until ~~the city arborist issues~~ a tree
434 removal permit for each protected tree proposed to be removed
435 has been submitted. While the tree removal permit and the
436 building permit may be processed and approved concurrently, the
437 tree removal permit shall not be approved prior to approval of the
438 building permit, including the approval of the building footprint.

439 ~~Sec. 107-377. Administrative variance.~~

- 440 (a) ~~The city council may grant an administrative variance from the~~
441 ~~requirements of this division if the city council determines by a~~
442 ~~simple majority that owing to special conditions pertaining to the~~
443 ~~affected property, literal enforcement of the provisions of this~~
444 ~~division will result in unnecessary hardship, and the granting of~~
445 ~~the variance will not be contrary to the public interest.~~
- 446 (b) ~~In considering any proposed variance, the following rules shall~~
447 ~~be observed:~~

- 448 (1) ~~The applicant for the variance must present to the city council a~~
449 ~~set of plans prepared by a certified arborist setting out the~~
450 ~~applicant's proposal and the nature of the proposed variance;~~
- 451 (2) ~~The proposed variance may not unreasonably affect any~~
452 ~~adjoining property or the general welfare of the community; and~~
- 453 (3) ~~The city council must find that the applicant did not create the~~
454 ~~condition necessitating the variance.~~
- 455 (e) ~~If the city council grants a variance under this subdivision, the~~
456 ~~city arborist may issue a tree removal permit with terms~~
457 ~~consistent with any terms and conditions of the granted variance.~~

458 **Sec. 107-3778. Replacement procedure.**

- 459 (a) Whenever replacement trees are required by the terms of this
460 subdivision, the owner shall submit to the ~~city arborist~~ City
461 Development Officer for approval a replacement site plan
462 showing the locations, species and sizes of all replacement trees
463 and vegetation for final approval by the ~~city arborist~~ City
464 Development Officer. If during installation, the owner is unable
465 to conform to the approved replacement site plan because
466 conformance is not feasible due to subsurface conditions that
467 could not reasonably have been foreseen that make the viability
468 of the tree in the planned location unlikely, then the owner must
469 submit an amended site plan to the ~~city arborist~~ City
470 Development Officer within seven days of the discovery of
471 unforeseen subsurface conditions for approval by the ~~city arborist~~
472 City. An amended site plan must provide for no fewer
473 replacement trees or cumulative size of replacement trees than
474 provided in the originally approved replacement plan.
- 475 (b) Installation of the replacement trees must be completed within
476 the time period designated by the ~~city arborist~~ City Development
477 Officer in the tree removal permit, however, in no event will the
478 time period be longer than one year, however this time period is
479 abated while a property is under construction where replacement
480 trees are required.
- 481 (c) The owner shall notify the ~~city arborist~~ City Development Officer
482 upon completion of the installation. If more than one protected
483 tree has been replaced, the city arborist may then inspect for
484 compliance with the approved replacement plan.
- 485 (d) All replacement trees must survive at least three years. The City
486 Development Officer shall track all replacement trees, so that at
487 three years post planting, their survival and health can be
488 assessed, consulting with an arborist if necessary. The city
489 arborist City Development Officer may contact the owner during
490 this three year period to arrange for a site visit ~~by the city arborist~~

491 in order to confirm the replacement trees have survived.
492 Replacement trees that do not survive for three years must be
493 removed and replaced with similar species and sized trees.

494 (e) The owner of property from which the removal of one or more
495 protected trees was permitted shall arrange for the transferee(s)
496 of such property to submit to the city secretary a written transfer
497 to and assumption by such transferee(s) of the permit and all
498 obligations of such permit with respect to required replacement
499 trees, if all such obligations have not been satisfied at the time of
500 transfer of the property.

501 **Sec. 107-3789. Violations/penalties.**

- 502 (a) It shall be an offense for a person:
- 503 (1) To fail to perform an act required by the provisions of this
504 subdivision;
 - 505 (2) To fail to timely comply with any term of a permit issued
506 pursuant to this division, including terms regarding the
507 planting and maintenance of required replacement trees;
 - 508 (3) To hire, engage, or permit any person engaged in the
509 business tree planting, maintenance, or removal to perform
510 such services on property in the city without a permit
511 issued by the city pursuant to section 18-217 of this Code;
 - 512 (4) Except as expressly allowed pursuant to this subdivision,
513 to remove or to cause the removal of a protected or heritage
514 tree without first obtaining a permit therefor;
 - 515 (5) To transfer property from which the removal of a protected
516 heritage tree has been permitted if all obligations with
517 respect to replacement trees pursuant to the permit for such
518 removal are not then fulfilled unless the transferee of the
519 property agrees in a writing submitted to the city secretary
520 to assume such permit and all obligations with respect to
521 the planting and maintenance of required replacement
522 trees;
 - 523 (6) To fail to submit an application for a permit as required
524 pursuant to subsection (b) of this section or pursuant to
525 subsection 107-373(b)(3); or
 - 526 (7) To fail to submit photographs or other documentation to
527 demonstrate a requisite clear and immediate danger
528 pursuant to subsection 107-373(b)(3) in connection with
529 an unpermitted removal of a protected or heritage tree.
- 530 (b) An offense shall constitute a Class C misdemeanor punishable by
531 a fine not to exceed \$500.00. ~~An offense committed intentionally,~~

532 ~~knowingly, recklessly, or with criminal negligence shall be~~
533 ~~punishable by a fine not to exceed \$2000.00 per offense.~~ Each
534 protected or heritage tree removed in violation of this division
535 shall constitute a separate offense, and a failure to plant and
536 maintain each replacement tree shall constitute a separate
537 offense. Each day a violation continues shall constitute a separate
538 offense.

539 (c) The owner of affected property and each person who causes or
540 directs another person to remove a protected or heritage tree
541 without a permit shall immediately submit an application for a
542 permit pursuant to this subdivision, including a proposal for the
543 provision of replacement tree(s) in compliance with this
544 subdivision.

545 (d) The building official shall issue a stop work order in connection
546 with any permitted development of the property from which a
547 protected or heritage tree is removed upon the occurrence of a
548 violation of this subdivision or any term of a permit issued
549 pursuant to this subdivision.

550 (e) No certificate of occupancy shall be issued for a building or other
551 structure that is not then in compliance with any permit issued
552 pursuant to this subdivision for removal of a protected tree.

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554 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
555 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
556 other provisions of the ordinances of the City of Rollingwood not in conflict with the
557 provisions of this ordinance shall remain in full force and effect.

558 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this
559 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
560 affect the validity of this ordinance as a whole, or any part or provision thereof other than
561 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
562 of the Code of Ordinances as a whole.

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

565 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
566 Rollingwood, Texas, on the _____ day of _____, 2024

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573 ATTEST:

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576 Makayla Rodriguez, City Secretary

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Gavin Massingill, Mayor

DRAFT