

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF ROLLINGWOOD’S CODE OF ORDINANCES RELATED TO RESIDENTIAL TREE CANOPY AND LANDSCAPE MANGEMENT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the Texas Local Government Code Chapter 211 provides authority to regulate land for residential purposes; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) finds that proper landscaping and tree canopies management provide critical environmental benefits, including improved air quality, reduced urban heat island effect, enhanced biodiversity, and stormwater management. The preservation and expansion of tree canopies contribute to the overall health and sustainability of urban ecosystems; and

WHEREAS, the City Council finds and determines that proper landscaping and trees play a vital role in enhancing public health and well-being by promoting mental health, providing recreational opportunities, and reducing noise pollution. The presence of mature trees and well-maintained green spaces is associated with improved quality of life for residents; and

WHEREAS, the City Council finds and declares that heritage trees, which are of significant age, size, or historical importance, represent irreplaceable cultural and historical assets. These trees contribute to the city’s identity and historical character, offering aesthetic and educational value to current and future generations; and

WHEREAS, the Comprehensive Residential Code Review Committee (the “CRCRC”) was appointed, among other issues, to study the need for amendments to the City’s tree canopy and landscape regulations in residential areas; and

WHEREAS, the CRCRC has made recommendations consistent with the amended regulations herein; and

WHEREAS, the CRCRC, the Planning and Zoning Commission and the City Council have held public meetings and/or hearings and received public input regarding the proposed amendments.

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

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

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)~~ (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)~~ (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 inches, which shall be maintained in a healthy condition
121 after planting. The diameter of protected and replacement
122 trees shall be measured four and one-half feet above the
123 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 (g) Removal means an act that causes or may be reasonably
136 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) Excessive pruning, including, but not limited to, pruning that
148 exceeds 25 percent of the canopy of the tree.
- 149 (h) Certified City arborist means an ISA certified arborist.
- 150 (i) City Development Officer means that individual designated by the
151 City Administrator from time to time.

152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190

Sec. 107-372. Administration.

- (a) A city arborist shall be appointed by the city council who shall coordinate with the City Development Officer when determined necessary to assist in promulgating forms for use under this subdivision and to decide all applications for removal of a protected tree.
- ~~(b)~~ If an applicant requests a variance as permitted under this subdivision, the city arborist shall direct the request to the city council and make a recommendation to the city council whether to approve the variance request.
- ~~(c)~~(b) The list of eligible protected tree species under subsection 107-371(a) and the list of eligible replacement tree species under [subsection] 107-371(c) may be supplemented by approval of the city council, in consultation with the city arborist. ~~Or as provided by subsection (e).~~
- ~~(d)~~(c) All protected trees and heritage trees removed from a lot should be replaced on that lot unless a written permission is submitted to the City from an adjacent lot owner to replant on the adjacent lot. An applicant may satisfy a tree replacement requirement by planting the required replacement tree(s) on the property affected by the protected tree removal, or on one or more other property(s) approved by the arborist or other designated agent of the city if:
 - ~~(1)~~ The benefit to residents of the city would be as great as replacement on the property affected by the protected tree removal; and
 - ~~(2)~~ The owner(s) of such other property(s) agree in writing to maintain the replacement trees in a healthy condition and replace same with like trees, as necessary as a result of a death of such tree(s), for a period of not less than three years.
- ~~(e)~~ For purposes of subsections 107-372(c) and (d) the city and the owner may consult with an academic organization, state agency, nonprofit organization, or the city arborist to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality within and outside of the city limits.
- ~~(f)~~(d) The city council shall provide for fees payable for review of applications for permits and variances pursuant to this division.

191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233

Sec. 107-373. Removal of protected trees.

- (a) A person may not remove a protected tree without a tree removal permit for the removal and compliance with the terms of this subdivision.
 - (1) During removal of protected trees the tree removal permit shall be displayed on the construction board for the site ~~in present~~ or otherwise displayed on a sign within the first five feet of the front yard ~~setback~~ and if the house is not under construction the permit for tree removal shall be placed on the dashboard of the permitted vendor's vehicle.
 - (2) Removal of a Heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property. A Heritage Tree Removal Special Exception provided for in this code will not be required for Heritage Trees removed from the proposed building footprint area but are subject to the tree removal permitting and replacement regulations provide for in this Code.
- (b) Emergency pruning or removal. Notwithstanding subsection 107-373(a), a person may perform emergency pruning or removal of a protected tree as follows:
 - (1) When the condition or location of a protected tree presents a clear and immediate danger to a structure or to the health and safety of the public, the hazardous portion of the protected tree may be removed without first obtaining a required tree removal permit.
 - (2) In the course of performing emergency repairs to a road or water, wastewater, or drainage facilities, agents or contractors of the city may trim, prune or remove a protected tree as required to perform such work without first obtaining a tree removal permit. If such activities occur during normal business hours, the city shall first attempt to contact the ~~city arborist~~ City Development Officer to determine if the ~~city arborist~~ City Development Officer can provide immediate guidance and assistance. If such assistance is not immediately available, then the pruning or removal may occur in accordance with the requirements under chapter 18, article V of this Code.

- 234 (3) Any person who prunes or removes a protected tree under
235 the provisions of this subsection shall, within 14 days of
236 such action or as soon as practicable if there is a coinciding
237 declaration of a state of emergency in the city, apply for a
238 tree removal permit providing for replacement trees as
239 required by this subdivision. The application shall include
240 photographs or other documentation to demonstrate the
241 requisite clear and immediate danger. The ~~city arborist~~ City
242 Development Officer will evaluate the information to
243 determine whether a clear and immediate danger existed. A
244 failure to submit an application or a failure to submit
245 information demonstrating the clear and immediate danger
246 shall constitute a violation of this subdivision.
- 247 (c) The requirements of this subdivision apply to trees on public and
248 private property. To the extent of conflict with another section of
249 the Code, this subdivision applies.

250 **Sec. 107-374. Application for protected tree removal and tree removal**
251 **permits.**

- 252 (a) An applicant may request a tree removal permit application from
253 the city through the City's application platform located on the
254 City's website. ~~by phone, U.S. mail, fax, email or in person.~~
- 255 (b) An application for removal of a protected tree located on public
256 property, a right-of-way or a public easement may be submitted
257 by:
- 258 (1) An agent of the city, a public utility, or another political
259 subdivision with the authority to install the public facilities
260 and perform the work necessitating the removal of the
261 protected tree; or
- 262 (2) The owner of the property adjoining the site of the protected
263 tree.
- 264 (c) An application for removal of a protected tree on private property
265 may be submitted by or on behalf of the owner of the property on
266 which the tree is located.
- 267 (d) An application for removal of one or more protected tree(s) must
268 be submitted to the city secretary and approved prior to removal
269 of the protected tree. If the application is approved as provided
270 for in this subdivision, a permit shall be issued indicating each
271 protected tree that is approved for removal and indicating the
272 location(s) and size(s) of any required replacement trees and the
273 dates by which replacement trees must be planted.
- 274 (e) An application that proposes removal of a protected tree shall
275 include the required permit application fee.

- 276 (f) An application for removal of a protected tree shall include any
277 proposal for type(s) and location(s) of replacement trees on a site
278 plan of affected property(s).
- 279 (g) A permit for removal of a protected tree expires on the earlier of
280 either two years after its effective date, or upon removal of the
281 protected tree except that if any building permit issued for the
282 associated property expires or is revoked for any reason, the
283 permit for removal of a tree shall be revoked as well. Subject to
284 applicable expiration, a permit for removal of tree(s) is
285 transferable to a subsequent owner of the affected property,
286 provided that any obligation in the permit with respect to
287 replacement trees is assumed by the transferee.

288 **Sec. 107-375. Conditions for approval.**

- 289 (a) If the protected tree is located within a yard line and property line
290 setback area and the total width of the setback area within the
291 yard line and the property line is greater than ten feet or greater
292 from the edge of a property, the protected tree shall be replaced
293 with a total of three replacement trees that may include a selection
294 of replacement trees under subsections 107-371(d)(1) and (d)(2),
295 and shall include at least one replacement trees under subsection
296 107-371(d)(2).
- 297 (b) If the protected tree is not located within an area specified in
298 subsection 107-375(a), the protected tree shall be replaced by one
299 replacement tree under ~~either subsection 107-371(d)(1) or~~
300 subsection 107-371(d)(2).
- 301 (c) For protected trees removed from within 20 feet of an above-
302 ground power, cable, or telephone line the species selected from
303 Sec 107-371 (c) (1) may be used for replacement.
- 304 ~~(e)(d)~~ If the protected tree trunk straddles an area specified in
305 subsection 107-375(a), the protected tree is deemed to be in the
306 area specified in subsection 107-375(a) if more than half of the
307 diameter of the tree is within the area specified in subsection 107-
308 375(a). If a protected or heritage tree straddles the boundary
309 between the yard and buildable area, it shall be considered
310 removed from the yard area if 25% or more of the trunk diameter
311 is in the yard area.
- 312 ~~(d)(e)~~ If the ~~city arborist~~ City Development Officer determines
313 under subsection 107-373(b)(3) that an emergency existed at the
314 time of removal that necessitated expedited removal or an
315 applicant provides documentation from a ~~certified arborist~~ City
316 Development Officer that a protected tree is diseased, dead, or
317 poses an imminent or immediate threat to persons or property due
318 to natural causes only and the protected tree falls under

319 subsection 107-375(a), the city arborist may reduce the
320 replacement tree requirement to one replacement tree under either
321 subsection 107-371(d)(1) or subsection 107-371(d)(2).

322 ~~(e)~~(f) If the ~~city arborist~~ City Development Officer determines that an
323 applicant provides sufficient documentation from a certified
324 arborist that a protected tree is diseased, dead, or poses an
325 imminent or immediate threat to persons or property due to
326 natural causes only, and also not as a result of intentional
327 bleaching, root cutting, or pruning more than 25 percent of the
328 canopy, and that the certified arborist has documented at least two
329 prior actions performed by the certified arborist within the
330 previous three years to mitigate the condition, the ~~city arborist~~
331 City Development Officer may reduce or waive the replacement
332 tree requirement for the protected tree and reduce or waive the
333 tree replacement application fee.

334 ~~(f)~~(g) If a protected tree is required to be removed under section 18-
335 209, the ~~city arborist~~ City Development Officer may reduce or
336 waive the replacement tree requirement for the protected tree and
337 reduce or waive the tree replacement application fee.

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

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

349 ~~(i)~~(j) If a protected tree has a trunk on a first property and ~~CRZ roots~~
350 and canopy that extend into a second property, the owner of the
351 second property is required to obtain a tree removal permit for
352 removal of the protected tree prior to performing any actions that
353 constitute removal under subsection 107-371(e) on the second
354 property. For purposes of determining removal under this
355 subsection for 107-371(e), damage to the root system is assessed
356 within the area that is a number of feet in diameter from the outer
357 edge of the tree trunk at four and one-half feet from the ground
358 based on a ratio of one foot for each inch of diameter of the tree
359 trunk. If the actions by the owner of the second property as to the
360 protected tree trigger a requirement for the owner of the first
361 property to apply for a tree removal permit for the protected tree,

362 the application review fee as to the protected tree on the first
363 property is waived.

364 (k) Replacement of a Heritage Tree removed from a yard area or a
365 proposed building footprint area must be replaced with one tree
366 6 inches in diameter, or more, for every 12 inches in diameter of
367 the removed tree. For example: 24 inches = 2 six-inch diameter
368 trees, 36 inches = 3 trees, etc. to be replaced. An exception to
369 these mitigation requirements may be granted by the City
370 Development Officer, after consulting with the City Arborist, and
371 with the approval of the Zoning Board of Adjustment if the
372 applicant demonstrates: (1) the existing tree canopy would
373 prohibit the growth of these replacement tree(s); or (2) the
374 required replacement trees to be installed would have to be
375 planted under the canopy of an existing tree.

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

- 377 (a) An application for a building permit must:
- 378 (1) Include a tree survey and protection plan of all existing
379 trees on the property that are at least 12 inches in diameter
380 measured four and one-half feet above the ground, including an indication of the CRZ of these trees.
- 382 (2) Include a grading and tree protection plan for protecting
383 all protected trees that are not approved for removal; The
384 protection plan submitted for these trees to include
385 evidence that sufficient care must be demonstrated to
386 ensure survival of these protected trees, including
387 adequate watering before, during and after construction
388 until a certificate of occupancy is granted.
- 389 (3) Demonstrate that the design will preserve the existing
390 natural character of the landscape as to any protected trees
391 not approved for removal; and
- 392 (4) Include a tree removal permit application with required
393 fees for review of each proposed removal of a protected
394 tree.
- 395 (b) ~~The building official~~ City Development Officer may not release
396 or renew a building permit until ~~the city arborist issues~~ a tree
397 removal permit for each protected tree proposed to be removed
398 has been issued.

399 **Sec. 107-377. Administrative variance.**

- 400 ~~(a) The city council may grant an administrative variance from the~~
401 ~~requirements of this division if the city council determines by a~~
402 ~~simple majority that owing to special conditions pertaining to the~~

403 ~~affected property, literal enforcement of the provisions of this~~
404 ~~division will result in unnecessary hardship, and the granting of~~
405 ~~the variance will not be contrary to the public interest.~~

406 ~~(b) In considering any proposed variance, the following rules shall~~
407 ~~be observed:~~

408 ~~(1) The applicant for the variance must present to the city council a~~
409 ~~set of plans prepared by a certified arborist setting out the~~
410 ~~applicant's proposal and the nature of the proposed variance;~~

411 ~~(2) The proposed variance may not unreasonably affect any~~
412 ~~adjoining property or the general welfare of the community; and~~

413 ~~(3) The city council must find that the applicant did not create the~~
414 ~~condition necessitating the variance.~~

415 ~~(c) If the city council grants a variance under this subdivision, the~~
416 ~~city arborist may issue a tree removal permit with terms~~
417 ~~consistent with any terms and conditions of the granted variance.~~

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

419 (a) Whenever replacement trees are required by the terms of this
420 subdivision, the owner shall submit to the ~~city arborist~~ City
421 Development Officer for approval a replacement site plan
422 showing the locations, species and sizes of all replacement trees
423 and vegetation for final approval by the ~~city arborist~~ City
424 Development Officer. If during installation, the owner is unable
425 to conform to the approved replacement site plan because
426 conformance is not feasible due to subsurface conditions that
427 could not reasonably have been foreseen that make the viability
428 of the tree in the planned location unlikely, then the owner must
429 submit an amended site plan to the ~~city arborist~~ City
430 Development Officer within seven days of the discovery of
431 unforeseen subsurface conditions for approval by the ~~city arborist~~
432 City. An amended site plan must provide for no fewer
433 replacement trees or cumulative size of replacement trees than
434 provided in the originally approved replacement plan.

435 (b) Installation of the replacement trees must be completed within
436 the time period designated by the ~~city arborist~~ City Development
437 Officer in the tree removal permit, however, in no event will the
438 time period be longer than one year, however this time period is
439 abated while a property is under construction where replacement
440 trees are required.

441 (c) The owner shall notify the ~~city arborist~~ City Development Officer
442 upon completion of the installation. If more than one protected
443 tree has been replaced, the city arborist may then inspect for
444 compliance with the approved replacement plan.

- 445 (d) All replacement trees must survive at least three years. The City
446 Development Officer shall track all replacement trees, so that at
447 three years post planting, their survival and health can be
448 assessed, consulting with an arborist if necessary. The city
449 ~~arborist~~ City Development Officer may contact the owner during
450 this three year period to arrange for a site visit ~~by the city arborist~~
451 in order to confirm the replacement trees have survived.
452 Replacement trees that do not survive for three years must be
453 removed and replaced with similar species and sized trees.
- 454 (e) The owner of property from which the removal of one or more
455 protected trees was permitted shall arrange for the transferee(s)
456 of such property to submit to the city secretary a written transfer
457 to and assumption by such transferee(s) of the permit and all
458 obligations of such permit with respect to required replacement
459 trees, if all such obligations have not been satisfied at the time of
460 transfer of the property.

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

- 462 (a) It shall be an offense for a person:
- 463 (1) To fail to perform an act required by the provisions of this
464 subdivision;
- 465 (2) To fail to timely comply with any term of a permit issued
466 pursuant to this division, including terms regarding the
467 planting and maintenance of required replacement trees;
- 468 (3) To hire, engage, or permit any person engaged in the
469 business tree planting, maintenance, or removal to perform
470 such services on property in the city without a permit
471 issued by the city pursuant to section 18-217 of this Code;
- 472 (4) Except as expressly allowed pursuant to this subdivision,
473 to remove or to cause the removal of a protected or heritage
474 tree without first obtaining a permit therefor;
- 475 (5) To transfer property from which the removal of a protected
476 heritage tree has been permitted if all obligations with
477 respect to replacement trees pursuant to the permit for such
478 removal are not then fulfilled unless the transferee of the
479 property agrees in a writing submitted to the city secretary
480 to assume such permit and all obligations with respect to
481 the planting and maintenance of required replacement
482 trees;
- 483 (6) To fail to submit an application for a permit as required
484 pursuant to subsection (b) of this section or pursuant to
485 subsection 107-373(b)(3); or

- 486 (7) To fail to submit photographs or other documentation to
487 demonstrate a requisite clear and immediate danger
488 pursuant to subsection 107-373(b)(3) in connection with
489 an unpermitted removal of a protected or heritage tree.
- 490 (b) An offense shall constitute a Class C misdemeanor punishable by
491 a fine not to exceed \$500.00. An offense committed intentionally,
492 knowingly, recklessly, or with criminal negligence shall be
493 punishable by a fine not to exceed \$2000.00 per offense. Each
494 protected or heritage tree removed in violation of this division
495 shall constitute a separate offense, and a failure to plant and
496 maintain each replacement tree shall constitute a separate
497 offense. Each day a violation continues shall constitute a separate
498 offense.
- 499 (c) The owner of affected property and each person who causes or
500 directs another person to remove a protected or heritage tree
501 without a permit shall immediately submit an application for a
502 permit pursuant to this subdivision, including a proposal for the
503 provision of replacement tree(s) in compliance with this
504 subdivision.
- 505 (d) The building official shall issue a stop work order in connection
506 with any permitted development of the property from which a
507 protected or heritage tree is removed upon the occurrence of a
508 violation of this subdivision or any term of a permit issued
509 pursuant to this subdivision.
- 510 (e) No certificate of occupancy shall be issued for a building or other
511 structure that is not then in compliance with any permit issued
512 pursuant to this subdivision for removal of a protected tree.

513

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

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

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

Commented [AW1]: 09/18/2024 City Council Meeting - Note: Council Member McDuffee's suggestion to raise fee to \$2,000 for any offense.

525 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of
526 Rollingwood, Texas, on the _____ day of _____, 2024
527

528

529

530

531

532 Gavin Massingill, Mayor

533 ATTEST:

534

535 _____

536 Makayla Rodriguez, City Secretary

537

DRAFT