

1                                   **ORDINANCE NO. 2025-XX-XX-XX**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The tree code regulations protect the health, safety, and general welfare of the citizens of the city. In doing so, the appearance of the city is enhanced and important ecological, cultural, and economic resources are protected for the benefit of the city's residents, businesses, and visitors.
- (b) Because the city experiences frequent drought conditions, these regulations are also intended to encourage low water demanding landscapes (Xeriscapes) through the use of native and adapted low water use plants from the Austin Grow Green Guide found on the City of Austin Website. The planting of turfgrass on less than 50% of the total landscaped areas, with that turf grass preferably having summer dormancy capabilities such as Buffalo grass, Zoysia grass, or non-seeding varieties of Bermuda grass is also encouraged.
- (c) It is the intent of these regulations that site plan and project design will preserve the existing natural character of the landscape and the retention of protective trees as much as possible.
- ~~(b)~~(d) The sections within this subdivision address trees in both development and non-development situations and seek to enhance the quality of the tree canopy and optimize the benefits that trees provide.
- ~~(e)~~(e) For development situations, additional requirements to this subdivision are designated in [section] 107-376.

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

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

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

In this subdivision:

- (a) *Protected species* means:
  - (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:

(1) For the replacement species listed in subsection (c)(1), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;

(2) For the replacement species listed in subsection (c)(2), a tree with a diameter equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum diameter of ~~six~~ five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) Heritage tree means a Protected Tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A total diameter of 24” or higher for a multi-trunk tree is a Heritage tree.

(f) Critical root zone (“CRZ”) means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and twenty-four inches in depth. For example, for a tree having a 10-inch diameter, the critical root zone is 10 feet out from the trunk and twenty-four inches deep.

~~(e)~~(g) Removal means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

(1) Uprooting;

(2) Severing the main trunk;

(3) Damaging the root system, including, but not limited to:

a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or

b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.

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

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

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

152           **Sec. 107-372. Administration.**

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

158           ~~(b)~~ If an applicant requests a variance as permitted under this  
159           subdivision, the city arborist shall direct the request to the city  
160           council and make a recommendation to the city council whether  
161           to approve the variance request.

162           ~~(e)(b)~~ The list of eligible protected tree species under subsection 107-  
163           371(a) and the list of eligible replacement tree species under  
164           [subsection] 107-371(c) may be supplemented by approval of the  
165           city council, in consultation with the city arborist. Or as provided  
166           by subsection (e).

167           ~~(d)(c)~~ All protected trees and heritage trees removed from a lot  
168           should be replaced on that lot unless a written permission is  
169           submitted to the City from an adjacent lot owner to replant on the  
170           adjacent lot. An applicant may satisfy a tree replacement  
171           requirement by planting the required replacement tree(s) on the  
172           property affected by the protected tree removal, or on one or more  
173           other property(s) approved by the arborist or other designated  
174           agent of the city if:

175                   ~~(1)~~ The benefit to residents of the city would be as great as  
176                   replacement on the property affected by the protected tree  
177                   removal; and

178                   ~~(2)~~ The owner(s) of such other property(s) agree in writing to  
179                   maintain the replacement trees in a healthy condition and  
180                   replace same with like trees, as necessary as a result of a  
181                   death of such tree(s), for a period of not less than three  
182                   years.

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

189           ~~(f)(d)~~ The city council shall provide for fees payable for review of  
190           applications for permits and variances pursuant to this division.

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

192 (a) A person may not remove a protected tree without a tree removal  
193 permit for the removal and compliance with the terms of this  
194 subdivision.

195 (1) During removal of protected trees the tree removal permit  
196 shall be displayed on the construction board for the site ~~in~~  
197 ~~present~~ or otherwise displayed on a sign within the first  
198 five feet of the front yard ~~setback~~ and if the house is not  
199 under construction the permit for tree removal shall be  
200 placed on the dashboard of the permitted vendor's vehicle.

201 (2) Removal of a Heritage tree is prohibited unless a Heritage  
202 Tree Removal Special Exception is granted by the Board  
203 of Adjustment upon a finding that: (i) all reasonable efforts  
204 have been made to avoid removing the tree, (ii) the  
205 location of the tree precludes all reasonable access to the  
206 property or all reasonable use of the property, and (iii)  
207 removal of the tree is not based on a condition caused by  
208 the method or design chosen by the applicant to develop  
209 the property. A Heritage Tree Removal Special Exception  
210 provided for in this code will not be required for Heritage  
211 Trees removed from the permitted building footprint area  
212 but are subject to the tree removal permitting and  
213 replacement regulations provide for in this Code.

214 (b) Emergency pruning or removal. Notwithstanding subsection 107-  
215 373(a), a person may perform emergency pruning or removal of  
216 a protected tree as follows:

217 (1) ~~When the condition or location of a protected tree presents~~  
218 ~~a clear and immediate danger to a structure or to the health~~  
219 ~~and safety of the public, the hazardous portion of the~~  
220 ~~protected tree may be removed without first obtaining a~~  
221 ~~required tree removal permit. Upon the report of a certified~~  
222 ~~arborist hired by the property owner that a heritage tree is~~  
223 ~~either: (i) dead; (ii) is an imminent hazard to life or~~  
224 ~~property, and the hazard cannot reasonably be mitigated~~  
225 ~~without removing the tree, in whole or in part; or (iii) is~~  
226 ~~diseased and restoration to sound condition is not~~  
227 ~~practicable or the disease may be transmitted to other trees~~  
228 ~~and endanger their health. This report must be confirmed~~  
229 ~~by the city arborist. The city administrator shall have the~~  
230 ~~authority to determine whether such documentation is in~~  
231 ~~order and may consider specific safety situations in light~~  
232 ~~of potential hazards to life or property. In the case of an~~  
233 ~~imminent hazard to life or property under subsection (ii),~~

documentation may be submitted within 72 hours after the action is taken.

(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.

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

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

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

(a) An applicant may request a tree removal permit application from the city through the City's application platform located on the City's website. ~~by phone, U.S. mail, fax, email or in person.~~

(b) An application for removal of a protected tree located on public property, a right-of-way or a public easement may be submitted by:

(1) An agent of the city, a public utility, or another political subdivision with the authority to install the public facilities

and perform the work necessitating the removal of the protected tree; or

(2) The owner of the property adjoining the site of the protected tree.

(c) An application for removal of a protected tree on private property may be submitted by or on behalf of the owner of the property on which the tree is located.

(d) An application for removal of one or more protected tree(s) must be submitted to the city secretary and approved prior to removal of the protected tree. If the application is approved as provided for in this subdivision, a permit shall be issued indicating each protected tree that is approved for removal and indicating the location(s) and size(s) of any required replacement trees and the dates by which replacement trees must be planted. No tree removal permit shall be issued unless an approved building permit is in place, which includes a detailed building footprint. Any permit application for tree removal must be accompanied by documentation confirming the issuance of the building permit.

(e) An application that proposes removal of a protected tree shall include the required permit application fee.

(f) An application for removal of a protected tree shall include any proposal for type(s) and location(s) of replacement trees on a site plan of affected property(s).

(g) A permit for removal of a protected tree expires on the earlier of either two years after its effective date, or upon removal of the protected tree except that if any building permit issued for the associated property expires or is revoked for any reason, the permit for removal of a tree shall be revoked as well. Subject to applicable expiration, a permit for removal of tree(s) is transferable to a subsequent owner of the affected property, provided that any obligation in the permit with respect to replacement trees is assumed by the transferee.

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

(a) If the protected tree is 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 include a selection of replacement trees under subsections 107-371(d)(1) and (d)(2). ~~and shall include at least one replacement trees under subsection 107-371 (d)(2).~~

- (b) If the protected tree 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 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, 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 previous three years to mitigate the condition, the ~~city arborist~~ City Development Officer may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.
- ~~(f)(g)~~ If a protected tree is required to be removed under section 18-209, the ~~city arborist~~ City Development Officer may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.
- ~~(g)(h)~~ The mayor may act to waive the replacement tree requirement under this subsection 107-374(d) for a storm event, wildfire or

other calamity that causes widespread or costly damage to multiple protected trees throughout the city.

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

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

(k) Replacement of a Heritage Tree removed from a yard area or a permitted building footprint area must be replaced with one tree 5 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 five-inch diameter trees, 36 inches = 3 trees, etc. to be replaced. An exception to these mitigation requirements may be granted by the City Development Officer, after consulting with the City Arborist, and with the approval of the Zoning Board of Adjustment if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree.

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

(a) An application for a building permit must:

- (1) Include a tree survey and protection plan of all existing trees on the property that are at least 12 inches in diameter measured four and one-half feet above the ground, including an indication of the CRZ of these trees.

- 401 (2) Include a grading and tree protection plan for protecting  
402 all protected trees that are not approved for removal; The  
403 protection plan submitted for these trees must include  
404 actions necessary for the best chance of survival of these  
405 protected trees, including adequate watering before,  
406 during and after construction until a certificate of  
407 occupancy is granted.
- 408 (3) Demonstrate that the design will preserve the existing  
409 natural character of the landscape as to any protected trees  
410 not approved for removal; and
- 411 (4) Include a tree removal permit application with required  
412 fees for review of each proposed removal of a protected  
413 tree.
- 414 (b) ~~The building official~~ City Development Officer may not release  
415 or renew a building permit until ~~the city arborist issues a tree~~  
416 removal permit for each protected tree proposed to be removed  
417 has been submitted. While the tree removal permit and the  
418 building permit may be processed and approved concurrently, the  
419 tree removal permit shall not be approved prior to approval of the  
420 building permit, including the approval of the building footprint.

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

- 422 (a) ~~The city council may grant an administrative variance from the~~  
423 ~~requirements of this division if the city council determines by a~~  
424 ~~simple majority that owing to special conditions pertaining to the~~  
425 ~~affected property, literal enforcement of the provisions of this~~  
426 ~~division will result in unnecessary hardship, and the granting of~~  
427 ~~the variance will not be contrary to the public interest.~~
- 428 (b) ~~In considering any proposed variance, the following rules shall~~  
429 ~~be observed:~~
- 430 (1) ~~The applicant for the variance must present to the city council a~~  
431 ~~set of plans prepared by a certified arborist setting out the~~  
432 ~~applicant's proposal and the nature of the proposed variance;~~
- 433 (2) ~~The proposed variance may not unreasonably affect any~~  
434 ~~adjoining property or the general welfare of the community; and~~
- 435 (3) ~~The city council must find that the applicant did not create the~~  
436 ~~condition necessitating the variance.~~
- 437 (c) ~~If the city council grants a variance under this subdivision, the~~  
438 ~~city arborist may issue a tree removal permit with terms~~  
439 ~~consistent with any terms and conditions of the granted variance.~~

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

- 441           (a) Whenever replacement trees are required by the terms of this  
442           subdivision, the owner shall submit to the ~~city arborist~~ City  
443           Development Officer for approval a replacement site plan  
444           showing the locations, species and sizes of all replacement trees  
445           and vegetation for final approval by the ~~city arborist~~ City  
446           Development Officer. If during installation, the owner is unable  
447           to conform to the approved replacement site plan because  
448           conformance is not feasible due to subsurface conditions that  
449           could not reasonably have been foreseen that make the viability  
450           of the tree in the planned location unlikely, then the owner must  
451           submit an amended site plan to the ~~city arborist~~ City  
452           Development Officer within seven days of the discovery of  
453           unforeseen subsurface conditions for approval by the ~~city arborist~~  
454           City. An amended site plan must provide for no fewer  
455           replacement trees or cumulative size of replacement trees than  
456           provided in the originally approved replacement plan.
- 457           (b) Installation of the replacement trees must be completed within  
458           the time period designated by the ~~city arborist~~ City Development  
459           Officer in the tree removal permit, however, in no event will the  
460           time period be longer than one year, however this time period is  
461           abated while a property is under construction where replacement  
462           trees are required.
- 463           (c) The owner shall notify the ~~city arborist~~ City Development Officer  
464           upon completion of the installation. If more than one protected  
465           tree has been replaced, the city arborist may then inspect for  
466           compliance with the approved replacement plan.
- 467           (d) All replacement trees must survive at least three years. The City  
468           Development Officer shall track all replacement trees, so that at  
469           three years post planting, their survival and health can be  
470           assessed, consulting with an arborist if necessary. The ~~city~~  
471           ~~arborist~~ City Development Officer may contact the owner during  
472           this three year period to arrange for a site visit ~~by the city arborist~~  
473           in order to confirm the replacement trees have survived.  
474           Replacement trees that do not survive for three years must be  
475           removed and replaced with similar species and sized trees.
- 476           (e) The owner of property from which the removal of one or more  
477           protected trees was permitted shall arrange for the transferee(s)  
478           of such property to submit to the city secretary a written transfer  
479           to and assumption by such transferee(s) of the permit and all  
480           obligations of such permit with respect to required replacement  
481           trees, if all such obligations have not been satisfied at the time of  
482           transfer of the property.

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

484           (a) It shall be an offense for a person:

- 485                   (1) To fail to perform an act required by the provisions of this  
486                   subdivision;
- 487                   (2) To fail to timely comply with any term of a permit issued  
488                   pursuant to this division, including terms regarding the  
489                   planting and maintenance of required replacement trees;
- 490                   (3) To hire, engage, or permit any person engaged in the  
491                   business tree planting, maintenance, or removal to perform  
492                   such services on property in the city without a permit  
493                   issued by the city pursuant to section 18-217 of this Code;
- 494                   (4) Except as expressly allowed pursuant to this subdivision,  
495                   to remove or to cause the removal of a protected or heritage  
496                   tree without first obtaining a permit therefor;
- 497                   (5) To transfer property from which the removal of a protected  
498                   heritage tree has been permitted if all obligations with  
499                   respect to replacement trees pursuant to the permit for such  
500                   removal are not then fulfilled unless the transferee of the  
501                   property agrees in a writing submitted to the city secretary  
502                   to assume such permit and all obligations with respect to  
503                   the planting and maintenance of required replacement  
504                   trees;
- 505                   (6) To fail to submit an application for a permit as required  
506                   pursuant to subsection (b) of this section or pursuant to  
507                   subsection 107-373(b)(3); or
- 508                   (7) To fail to submit photographs or other documentation to  
509                   demonstrate a requisite clear and immediate danger  
510                   pursuant to subsection 107-373(b)(3) in connection with  
511                   an unpermitted removal of a protected or heritage tree.

512           (b) An offense shall constitute a Class C misdemeanor punishable by  
513           a fine not to exceed ~~\$500.00. An offense committed intentionally,~~  
514           ~~knowingly, recklessly, or with criminal negligence shall be~~  
515           ~~punishable by a fine not to exceed \$2000.00 per offense.~~ Each  
516           protected or heritage tree removed in violation of this division  
517           shall constitute a separate offense, and a failure to plant and  
518           maintain each replacement tree shall constitute a separate  
519           offense. Each day a violation continues shall constitute a separate  
520           offense.

521           (c) The owner of affected property and each person who causes or  
522           directs another person to remove a protected or heritage tree  
523           without a permit shall immediately submit an application for a  
524           permit pursuant to this subdivision, including a proposal for the

provision of replacement tree(s) in compliance with this subdivision.

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

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

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

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

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

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Gavin Massingill, Mayor

ATTEST:

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Makayla Rodriguez, City Secretary