

1 CITY OF ROLLINGWOOD, TEXAS

2
3 ORDINANCE NO. 2025-01-15-11

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5
6 AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,
7 AMENDING CHAPTER 28, ARTICLE II TO ADDING A NEW SUBSECTION
8 TO SECTION 28-23 (CONSTRUCTION STANDARDS), RENUMBERING
9 SECTION 28-23, AMENDING THE TITLE OF ARTICLE II; PROVIDING
10 A SAVINGS CLAUSE, REPEALING CONFLICTING LAWS AND
11 ESTABLISHING AN EFFECTIVE DATE

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

14 WHEREAS, the Texas Local Government Code authorizes a municipality to adopt
15 regulations regarding rights of way and public utility easements; and

16 WHEREAS, the City Council hereby finds and determines that the amendments adopted
17 herein are necessary to protect the city's public utility easements and in the best interests of the
18 community and its citizens; and

19
20 WHEREAS, the City has complied with all conditions precedent necessary to take this
21 action.

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

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

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30 SECTION 2. The City's Code of Ordinances Chapter 28, Streets, Sidewalks and other
31 Public Places is amended to revise the Title of Article II and Article II, Section 28-23 Construction
32 Standards as follows:

33
34 **Article II Construction in City Right of Way and Public Utility Easements**

35
36 **Sec. 28-23. Construction Standards**

37
38 (r) ~~The permittee, his contractors or subcontractors may not remove locate flags. Locate~~
39 ~~flags may not be removed from a location while facilities are being constructed. To permit~~
40 utilities to be efficiently constructed, maintained and restored, utility easements shall be
41 kept clear of all permanent structures, whether above or below ground, unless such
42 structure is otherwise expressly authorized by this Code to be placed within a public utility
43 easement. To prevent interference with clearances necessary for overhead lines and to

44 protect underground utilities from root interference, trees may not be planted within 20 feet
45 of an above-ground power, cable, or telephone line, or within 10 lateral feet of an
46 underground water line or other underground utility, unless of the species listed in Section
47 107-371(c)(1)(listing tree species allowed within 20 feet of an overhead utility). For any
48 trees planted within 10 lateral feet of an underground water line or sewer line, root barriers
49 must be installed between the tree and the water line or sewer line equipment with a
50 minimum installation of 4 feet deep at five lateral feet from the utility facility.

51
52 (#-s) The permittee, his contractors or subcontractors may not remove locate flags. Locate
53 flags may not be removed from a location while facilities are being constructed.

54
55 (s-t) Construction that requires pumping of water or mud shall be contained in accordance
56 with city ordinances and federal and state law and the directives of the city.
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59 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
60 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
61 provisions of the City of Rollingwood ordinances not in conflict with the provisions of this
62 ordinance shall remain in full force and effect.
63

64 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
65 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
66 affect the validity of this ordinance, or any part or provision thereof other than the part so decided
67 to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances
68 as a whole.
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70 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
71 the publication of the caption, as the law and charter in such cases provide.
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73 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
74 on the _____ day of _____ 2025.
75

76
77 APPROVED:

78
79 _____
80 Gavin Massingill, Mayor
81

82
83 ATTEST:

84
85
86 _____
87 Makayla Rodriguez, City Secretary