



City of Rollingwood, Texas

Policy for Waiving or Reducing of Fees and/or Requirements in Conjunction with the Removal of Diseased, Dead, or Immediately Dangerous Protected Trees

Purpose:

According to Subdivision 2 of the City's Code of Ordinances, Section 107-375 the city arborist has the authority to waive or reduce the fees and/or requirements for removal of a protected tree that is diseased, dead or poses an imminent or immediate threat to persons or property due to natural causes only.

Code Sections:

Sec. ~~107~~ 107-375. – Conditions for approval

- (e) -If the city arborist 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% 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 may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.
- (f) -If a protected tree is required to be removed under section 18-209, the city arborist may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.

Sec. 18-209. - Abatement required; abatement by city.

- (a) It is unlawful for any person within the city to permit any nuisance tree as defined in section 22-208 to remain on their property within the city, and any such person must, within 30 calendar days after being notified of the presence of a nuisance tree on their property, remove and properly dispose of the tree or provide treatment to control the disease afflicting the tree that constitutes a public nuisance. If any person, after notice given under section 22-216, fails to remove and properly dispose of any tree that constitutes a public nuisance, the city may do the work necessary to abate the nuisance, or may pay for the work to be done, and may charge the expenses to the owner of the property. These charges will be a personal liability of the owner. In addition, the city council may assess all expenses incurred by the city against the real property on which the work is done.



- (b) If any work mentioned in subsection (a) of this section is done by the city, a statement of the expenses incurred in doing the work will be completed, certified and filed with the county clerk, stating the description of the property upon which such work was done, the character of work and the name of the owners of the property, whereupon the city shall have a lien upon the land or premises upon which the work was done for the amount of the expenditures, together with interest on that amount at the rate of ten percent per annum from the date the expenses were incurred until paid.
- (c) To recover these expenditures and interest, suit may be instituted and a personal judgment obtained against the owner of the property and recovery and foreclosure may be had in the name of the city against the owner in any court having jurisdiction. The statement of expenditures made and filed, or a certified copy, will be prima facie proof of the amount expended.

Policy:

If a property owner demonstrates that they have taken steps to save a diseased tree by the following methods, a variance to the replacement policy as outlined under the Residential Tree Canopy ~~Protection~~ Management Ordinance shall be considered.

1. At least two (2) documented treatment or protocol actions performed by a certified arborist within the last three (3) years;
2. Documentation 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% of the canopy;
- ~~2-3.~~ Receipt or statement showing proof of services rendered by a certified arborist; and/or
- ~~3. Documentation that the tree was declared a nuisance and ordered to be abated by the City.~~

The variance options are as follows:

1. Upon demonstration of the requirements, the ~~cCity aArborist or City staff~~ may reduce the tree removal fee to \$35.00 per tree, and cap the required replacement diameter at 2".
2. If the requestor adheres to the 6-inch replacement requirement, the City Arborist may waive the tree removal fee.

- ____If the requestor has already paid the removal fee for the current calendar year, the ~~cCity~~ aArborist may waive the tree removal fee.
3. _____
- ____If the property owner has documentation that the tree was declared a nuisance and ordered to be abated by the city, they do not need to provide the required documentation listed above and the

~~If the tree was deemed a nuisance and abatement was required by the City, the Ccity aArborist may waive the tree removal fee.~~