

EXHIBIT A

ARTICLE V. DEAD AND DISEASED TREES

Sec. 18-207. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified arborist means an arborist holding current certification from the International Society of Arboriculture (ISA) with demonstrated expertise in oak wilt identification and treatment.

Diseased tree or diseased wood means any tree with oak wilt disease or any other disease that poses a threat to the health of neighboring trees, or any firewood from a tree with oak wilt disease or any other disease that poses a threat to the health of neighboring trees.

Hot zone means an area identified annually by the city, in consultation with the Texas A&M Forest Service (TFS) or a certified arborist, as having a confirmed oak wilt infection or as being located within 150 feet of a confirmed infection center.

Infected tree means any oak tree confirmed or reasonably suspected to be infected with Bretziella fagacearum based on visual symptoms, laboratory testing, or professional diagnosis.

Oak wilt disease means an infection of the fungus ~~Ceratocystis~~Bretziella fagacearum (formerly classified as Ceratocystis fagacearum).

Restricted period means the period February 1 through June 30 of each year, during which all pruning and trimming of oak trees is prohibited except as provided in section 18-211. The restricted period is the period referred to in section 18-211 as the "proscribed period."

Treatment means the application of propiconazole fungicide injection or another Texas A&M Forest Service-approved protocol to combat oak wilt in live oaks.

Sec. 18-208. Declaration of nuisance.

All species and varieties of diseased trees that are dead or substantially dead, and all diseased wood to which bark is still attached, are hereby declared to be a public nuisance. Additionally, any trees that pose a safety risk to the public are hereby declared to be a public nuisance.

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

- (a) Any person or any company licensed by the city to perform tree trimming or removal work who discovers or suspects oak wilt infestation or an infected oak tree shall report that information to the city administrator by the next business day. The city will confirm oak wilt, and if confirmed, the owner of the property shall be notified of the nuisance tree. It is unlawful for any person within the city to permit any nuisance tree as defined in section ~~22-208~~18-208 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~~18-216, 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.

(d) City response protocol. Upon confirmation of oak wilt under subsection (a), the city shall:

(1) verify the report by dispatching the city arborist or coordinating with the TFS within 14 calendar days;

(2) notify all property owners within 250 feet of the infection center by first-class mail within seven calendar days of confirmation;

(3) update the city's internal hot zone map, which may be maintained as a layer within the city's geographic information system (GIS); and

(4) provide the affected property owner with written guidance on approved treatment options and available city assistance programs.

Sec. 18-210. Payment of costs of testing, tree removal, and trenching.

(a) *Laboratory analysis.* The property owner must pay for the cost of any laboratory analysis necessary to determine the presence of disease.

(b) *Removal and disposal.* The cost of removing and disposing of any tree or wood determined to be a public nuisance will be borne by the property owner.

(c) *Trenching.* It shall be the responsibility of the property owner to pay any monies necessary to allow for the execution of a state forest service (TFS) cost sharing program. If any person, after notice given under section ~~22-216~~18-216, fails to meet cost sharing requirements set forth by the TFS cost sharing program, the city shall pay the necessary monies and recover the expenditures as outlined in section ~~22-209~~18-209.

Sec. 18-211. Trimming or cutting of trees susceptible to oak wilt.

(a) The trimming or cutting of oak trees susceptible to oak wilt disease for purposes other than protecting the public or protecting property from imminent damage shall be conducted only outside of the period February 1 through June 30 of each year (the "proscribed period"). The surface of the cut must be treated immediately with an acceptable paint to mask the exposed wound from contamination.

(b) Any wounds, whether made by trimming, construction or accident, shall be treated immediately with an acceptable paint.

(c) Except in exigent circumstances to protect the public from imminent danger, advance written approval must be obtained to trim or cut an oak tree during the proscribed period to protect the public or to protect property from imminent damage. Written approval may be provided by electronic mail or any other means, as authorized by the city administrator, the building official, or the mayor.

(d) Enhanced enforcement in hot zones. The city shall prioritize enforcement of the trimming restrictions of this section within designated hot zones. A tree-care contractor or tree maintenance business operating within a hot zone shall maintain proof of oak wilt awareness training and shall demonstrate compliance with the wound-sealing requirements of this section upon request by the city.

Sec. 18-212. Storage of firewood.

All firewood shall be stored under clear plastic and shall not be stored next to healthy trees.

Sec. 18-213. Sterilization of equipment used for trimming or cutting oak trees.

Equipment used for trimming or cutting of oak trees in public projects shall be sterilized after each tree is completely cut and before proceeding to the next tree.

Sec. 18-214. Enforcement.

The city administrator, in cooperation with the city police department and the state forest service (TFS), will be responsible for the enforcement of this article. A violation of this article is subject to the penalties provided in section 18-223.

Sec. 18-215. Inspections.

The city administrator, the city arborist, and the agents of the TFS, as the city's representatives, are authorized to enter upon any property within the city for the purpose of inspecting any trees or firewood situated on the property. If the property is occupied, the city's representatives will make a reasonable effort to locate the owner or another person with control of the property to request permission to enter. If the city's representatives are denied permission to enter, and the city's representatives have probable cause to believe that a public nuisance, as defined in this article, exists on the property, the city's representatives may apply for a search warrant through the city's municipal court. The purpose of the warrant will be to determine the presence of a public nuisance and to obtain specimens necessary to confirm the presence of nuisance trees or firewood on the property.

Sec. 18-216. Notice to property owner.

If a tree or firewood is determined to be a nuisance tree, and the city administrator, in cooperation with the TFS or city arborist, determines that the tree or wood is a public nuisance, the city will deliver written notice to the property owner, advising the owner of the determination and requiring the owner to comply with this article. This notice will be given:

- (1) To such owner in person by an officer or employee of the city;
- (2) By letter addressed to such owner at his known post office address; or
- (3) If personal service cannot be obtained, or the owner's post office address is unknown, then notice may be given in the manner provided in V.T.C.A., Local Government Code § 54.005 by delivery to the address of the owner of such property shown in the real property records of the county, and the address listed for the owner of such property as shown in records maintained by the county central appraisal district. If notice is delivered pursuant to V.T.C.A., Local Government Code § 54.005, the procedures set forth in that section shall apply. In addition to the manner provided in this subsection, notice shall be given by:
 - a. Posting a notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings; or
 - b. Posting the notice on or near the front door of each building on the property to which the violation relates.

Sec. 18-217. Requirements for conduct of tree maintenance businesses.

- (a) Any person engaged in the business of tree maintenance by pruning, trimming or removing of trees in the city shall comply with all applicable provisions of this article and shall secure an annual permit to do so from the city administrator or official.
- (b) The city administrator will issue a permit upon receipt of the following information:
- (1) The name, telephone number and address of the applicant and, if the applicant is an association, partnership, company or corporation, the name of such entity together with the names of the persons who will be performing tree maintenance within the city;
 - (2) The names of other communities in which the applicant has performed tree maintenance in the previous twelve months and, if employed by a different company in the other communities, the names of those companies;
 - (3) A sworn acknowledgment of receipt and review of the city's forest protection ordinance; and
 - (4) Copies of any certifications or licenses possessed by the applicant or its employees, agents or representatives related to tree maintenance activities.
 - (5) Proof that the applicant and the applicant's employees who will perform oak tree work have completed oak wilt awareness training, if the applicant performs or may perform tree maintenance within a designated hot zone.
- (c) The applicant and the applicant's employees, agents and representatives must post the permit or a copy of the permit on a sign or company truck, and the permit or copy of the permit must be readily viewable from the street at all times while performing tree maintenance within the city.
- (d) The permit will be valid for one year from the date issued.

Sec. 18-218. Pruning of trees adjacent to public streets.

- (a) Residential and commercial property owners shall be responsible for pruning the trees on their lots adjacent to public streets to provide a minimum of 14 feet of vertical clearance above the street. If, after 30 days of notice as outlined in section ~~22-216~~18-216, the property owner fails to perform any work necessary to comply with this section, the city shall perform the work or pay for the work to be completed and the cost for the work shall be the liability of the property owner as outlined in section ~~22-209~~18-209.
- (b) Residential and commercial property owners shall be responsible for pruning the trees on their lots adjacent to public streets to provide line-of-sight clearance. If, after 30 days of notice as outlined in section ~~22-216~~18-216, the property owner fails to perform any work necessary to comply with this section, the city shall perform the work or pay for the work to be completed and the cost for the work shall be the liability of the property owner as outlined in section ~~22-209~~18-209.
- (c) The city must prune all trees on public property to provide a minimum of 14 feet of vertical clearance above the street and line-of-sight clearance of 15 feet from intersections.

Sec. 18-219. Oak wilt treatment incentive program.

- (a) Establishment. There is hereby established the Rollingwood oak wilt treatment incentive program to subsidize a portion of the cost of professional treatment of infected oak trees.
- (b) Incentive amount and conditions. An eligible property owner may receive a reimbursement of up to \$2,500.00 per tree for an oak exceeding six inches in diameter at breast height (DBH) that receives treatment by a certified arborist using Texas A&M Forest Service-approved protocols, subject to the following:

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- (1) the property owner submits an application to the city prior to, or within 30 calendar days after, treatment, including an invoice from a certified arborist and photographic documentation;
- (2) the city arborist or designee verifies that the treatment was performed in accordance with approved protocols;
- (3) reimbursements are issued on a first-come, first-served basis subject to available annual funding; and
- (4) no single property may receive more than \$5,000.00 in incentive payments per fiscal year.
- (c) Eligible uses. The incentive may be applied toward the treatment of infected or surrounding oaks or, for a tree assessed by a certified arborist to be below 70 percent canopy health, toward the prompt removal of the tree to prevent further spread. Where annual funding remains available, the incentive may also be applied toward replacement of a removed tree with a species not susceptible to oak wilt.
- (d) Public purpose and recoupment. Incentive payments under this section serve the public purpose of containing oak wilt and protecting the public health and the city's tree canopy. No payment may be made except upon the verification required by this section. The city may recover any incentive payment obtained through false, incomplete, or misleading documentation, or used in a manner inconsistent with this section, and may condition eligibility on the applicant's written agreement to such recoupment.
- (Ord. No. _____, § _____, -2026)

Sec. 18-220. Water assistance for oak wilt treatment.

- (a) Eligibility. Upon verification of an active oak wilt treatment plan by a certified arborist, a property owner with a verified infected or treated tree may apply to the city for water-cost relief under this section. Relief under this section shall be administered by city staff in a manner consistent with the city's water-leak assistance provisions, with an appeal to the utility commission if necessary.
- (b) Additional water. The city shall provide water consumed above the property's normal baseline usage for verified oak wilt treatment purposes at the base rate of the usage tier in which the property typically averages, plus the standard administrative fee. The city shall not apply higher-tier pricing to a property that does not typically fall within that tier solely as a result of oak wilt treatment watering.
- (c) Wastewater averaging. Water consumed for oak wilt treatment purposes, as documented by the property owner and verified by the city, shall not count toward wastewater averaging calculations. The city administrator is authorized to adjust wastewater billing upon receipt of satisfactory documentation.
- (d) Drought restriction exemption. When drought restrictions are in effect, the city administrator is authorized to grant a waiver permitting soaker-hose or drip irrigation of infected or recently treated oak trees. Exemption requests must be submitted in writing with supporting documentation from a certified arborist.

Sec. 18-221. Awareness and prevention program.

- (a) Annual citywide mailer. The city shall budget for and distribute an annual oak wilt awareness mailer to all city households no later than January 15 of each year.
- (b) Targeted hot zone notification. In addition to the citywide mailer, the city shall annually identify hot zones and distribute targeted notifications, by mail, door hanger, or both, to property owners in and adjacent to designated hot zones. This targeted outreach shall also serve as the notification protocol when a new infection is confirmed on any property.
- (c) Annual canopy inspection. The city shall arrange an annual street-level canopy inspection, in coordination with the TFS or a qualified city arborist, focused on designated hot zones and timed during the leaf-drop period when early symptoms are most visible. Areas of concern identified during the inspection shall be referred for closer evaluation.
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(d) City staff training. The city shall train relevant staff, including code compliance, public works, and parks personnel, to visually recognize signs of oak wilt so that potential infections may be flagged during routine city operations.

(e) Hot zone arborist inspection credit. The city may offer a property owner within a designated hot zone a \$100.00 credit on the property's water bill, once per year, for obtaining an annual oak wilt inspection from a certified arborist with oak wilt expertise. The certified arborist must provide a report detailing the condition of the oaks on the property. Arranging the inspection remains the property owner's responsibility.

Sec. 18-222. Fiscal provisions; annual appropriation.

(a) Annual appropriation. The city council shall appropriate funds for the programs authorized under sections 18-219 through 18-221 as part of the annual budget process. All expenditures authorized under those sections are subject to the annual caps established by the city council, and total program expenditures may not exceed the annual appropriation.

(b) No-cost provisions. The water assistance measures in section 18-220 are intended to be administered as no-cost or minimal-cost measures by existing city staff, with an appeal to the utility commission if necessary.

Sec. 18-223. Penalties.

(a) General violations. A person who violates the trimming restrictions of section 18-211 or who fails to report a known or confirmed infection as required by section 18-209 shall be subject to a fine not to exceed \$500.00 for each violation. Each day on which a violation occurs or continues constitutes a separate offense.

(b) Contractor violations. A tree-care contractor or tree maintenance business found in violation of this article shall be subject to a fine not to exceed \$1,000.00 for each violation. Each day on which a violation occurs or continues constitutes a separate offense.

(c) Equitable considerations. In adjudicating a violation under this article, the municipal court may consider financial hardship, good-faith efforts to comply, and any extraordinary circumstances that may have prevented prompt compliance.

(d) Culpable mental state. A culpable mental state is not required to establish a violation of this article, and the city council expressly dispenses with any requirement of a culpable mental state for an offense under this article.

(e) Cumulative remedies. The penalties provided by this section are in addition to, and not in lieu of, any other remedy available to the city at law or in equity, including the nuisance abatement and cost-recovery remedies provided in this article.