

ORDINANCE NO. 2026-XX-XX-XX

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING PART I, CHAPTER 18, OFFENSES AND NUISANCES, ARTICLE V, DEAD AND DISEASED TREES, OF THE CODE OF ORDINANCES TO ESTABLISH A COMPREHENSIVE OAK WILT PREVENTION AND MANAGEMENT PROGRAM; PROVIDING FOR REPORTING, TRIMMING, AND WOUND-SEALING REQUIREMENTS; ESTABLISHING WATER ASSISTANCE, TREATMENT INCENTIVE, AND PUBLIC AWARENESS PROGRAMS; PROVIDING ENABLING AUTHORITY; PROVIDING PENALTIES; PROVIDING FOR PUBLICATION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rollingwood, Texas (the “City”) is a Type A General Law municipality operating under the statutes of the State of Texas; and

WHEREAS, Sections 51.001 and 51.012 of the Texas Local Government Code authorize the City to adopt ordinances that are for the good government, peace, and order of the City and that are necessary for the government, interest, welfare, and good order of the City as a body politic; and

WHEREAS, the City currently regulates dead and diseased trees, including oak wilt disease, in Part I, Chapter 18, Article V of its Code of Ordinances, and the City Council desires to strengthen and expand those regulations to establish a comprehensive oak wilt prevention and management program; and

WHEREAS, the City is authorized to protect the public health and to define, prevent, and abate nuisances within its corporate limits, including under Section 217.042 of the Texas Local Government Code; and

WHEREAS, Section 54.001 of the Texas Local Government Code authorizes the City to enforce its ordinances by fine, and provides that a fine may not exceed \$2,000 for the violation of an ordinance that governs public health and sanitation, and the City Council finds and declares that Article V, as amended, governs public health and sanitation by controlling the spread of an infectious and destructive tree disease; and

WHEREAS, the financial assistance and incentive measures established by this amendment serve the predominant public purpose of containing oak wilt and protecting the public health, safety, urban tree canopy, property values, and general welfare of the City; are subject to adequate contractual and administrative controls, verification requirements, and recoupment provisions; and reserve to the City sufficient control to ensure that the public purpose is accomplished, all consistent with Article III, Section 52 of the Texas Constitution; and

WHEREAS, oak wilt, caused by the fungus *Bretziella fagacearum*, is one of the most destructive tree diseases in the United States, invades and disables the water-conducting system of oak trees, and has been confirmed in 76 counties in Texas, killing oaks in Central and West Texas at epidemic proportions; and

WHEREAS, the City has experienced active oak wilt infection centers within its city limits since at least 2015, prior trenching efforts demonstrated only partial effectiveness, and the Texas A&M

Forest Service has confirmed that trenching is no longer a cost-effective urban management tool, such that a comprehensive approach combining public awareness, prevention, early detection, and treatment incentives is necessary to protect the City's tree canopy; and

WHEREAS, the City Council, following review by staff and the City's legal counsel, has determined that amendment of Chapter 18, Article V as set forth in the attached Exhibit A is necessary and appropriate to establish and render enforceable the City's oak wilt prevention and management program;

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

SECTION 1. All of 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.

SECTION 2. The City of Rollingwood Code of Ordinances, Part I, Chapter 18, Offenses and Nuisances, Article V, Dead and Diseased Trees, is hereby amended as provided for in the attached Exhibit A, with underlines being additions to the Code and ~~striketroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. The City Secretary is hereby directed to publish this Ordinance, or its descriptive caption and penalty, in the manner and for the time required by law, including Sections 52.011 through 52.013 of the Texas Local Government Code. The provisions of this Ordinance that impose a penalty, fine, or forfeiture shall take effect only after such publication.

SECTION 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public, and that public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 9. This Ordinance shall be effective upon its adoption by the City Council, except that the penal provisions hereof shall take effect only upon publication as provided in Section 7.

PASSED AND APPROVED this _____ day of _____, 2026.

Gavin Massingill, Mayor

ATTEST:

, City Secretary