

ORDINANCE NO. 2021-04-21-16

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS
AMENDING THE CITY CODE OF ORDINANCES, PART 1, CHAPTER 18,
ARTICLE V DEAD AND DISEASED TREES, SECTION 18-209(a).**

WHEREAS, regulations that protect the spread of diseased trees also protect the health, safety, and general welfare of the citizens of the city; and

WHEREAS, the City desires to control and prevent the spread of diseased trees within the City of Rollingwood; and

WHEREAS, the City Council desires to amend and clarify regulations pertaining to abatement of trees exhibiting oak wilt disease, a nuisance as defined by the City of Rollingwood Code of Ordinances.

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

SECTION 1. The City’s Code of Ordinances Part I, Chapter 18, Article V Dead and Diseased Trees, Section 18-209 (a) of the City Code of Ordinances is hereby amended with strikeouts being deletions from the Code and underlines being additions to the Code:

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 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.

Section 2. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

Section 3. This Ordinance shall be effective immediately upon approval and adoption by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the 21st day of April, 2021.

Michael R. Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary