

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD APPROVING AN AMENDMENT TO THE CITY OF ROLLINGWOOD, TEXAS CODE OF ORDINANCES, PART II OF THE LAND DEVELOPMENT CODE, SECTION 101-250 STORAGE OF DIRT, GRAVEL AND OTHER PERVIOUS MATERIALS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds the City of Rollingwood (City) is a Texas General Law Municipality and the Texas Local Government Code authorizes the City of Rollingwood to exercise jurisdiction over City zoning as deemed appropriate by the City;

**WHEREAS**, the City must comply with Texas Commission on Environmental Quality requirements for Municipal Separate Storm Sewer System (MS4);

**WHEREAS**, those requirements include the City maintaining a Stormwater Management Plan;

**WHEREAS**, the City sits over the Edward’s Aquifer Recharge Zone and receives water from the Edwards Aquifer;

**WHEREAS**, discharges into municipal storm sewer systems could result in compromised water systems;

**WHEREAS**, the City is responsible for maintaining infrastructure that includes storm sewer systems and drinking water;

**WHEREAS**, on October 6, 2021 the Planning and Zoning Commission conducted a public hearing and after consideration, hereby makes a recommendation of approval of this amendment; and

**WHEREAS**, on (date) the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to Municipal Code of Ordinances.** The City of Rollingwood, Texas Code of Ordinances, Section 101-250 – Storage of dirt, gravel and other pervious materials, is hereby amended by deleting (strike-through) and adding (underlined) language as follows:

The holder of a building permit, or the property owner for work where a building permit is not required, shall enclose with a silt fence or securely cover with a water-resistant tarp or other material any dirt, fill, gravel or other pervious material stored on the site for a period in excess of eight hours. All work, including landscaping, which may result in silt discharge into public streets or drainage ways is required to be enclosed by silt fencing or similar protection for the duration of work and/or until sod, turf, or other site stabilizing material has been installed.

**Section 3. Severability.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 4. Repealer.** This ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Rollingwood except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 5. Effective Date.** This Ordinance will take effect upon its adoption by the City Council.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF ROLLINGWOOD, TEXAS

By: \_\_\_\_\_  
Michael Dyson, Mayor

ATTEST:

\_\_\_\_\_  
Ashley Wayman, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Zech, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC