

CITY OF ROLLINGWOOD, TEXAS
ORDINANCE 2012-05-16 (C)

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CITY CODE OF ORDINANCES SECTIONS 8.06.011 AND 8.06.012 TO ELIMINATE CERTAIN REQUIREMENTS PERTAINING TO TREE TRIMMING AND PROVIDING FOR NOTICE TO PROPERTY OWNERS WHERE OAK WILT IS DISCOVERED; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to make it easier for residents of the City to obtain tree-trimming services, and to provide for effective notice to property owners in the event that oak wilt is discovered on property,

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

SECTION 1. The City of Rollingwood Code of Ordinances Sections 8.06.011 and 8.06.012 are amended to provide as follows:

Sec. 8.06.011 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 division. 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 Texas Local Government Code ("LGC") Section 54.005 by delivery to the address of the owner of such property shown in the real property records of Travis County, Texas, and the address listed for the owner of such property as shown in records maintained by the Travis Central Appraisal District. If notice is delivered pursuant to LGC Section 54.005, the procedures set forth in that section shall apply. In addition to the manner provided in this subdivision (3), notice shall be given by (i) 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 (ii) posting the notice on or near the front door of each building on the property to which the violation relates.

Sec. 8.06.012 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 8.06 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.

(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.

SECTION 2. A caption that summarizes the purpose of this Ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.011.

SECTION 3. This Ordinance shall be effective immediately upon adoption.

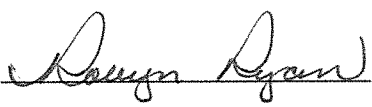
SECTION 4. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS,
on the 16th day of May, 2012.



Mayor, City of Rollingwood, Texas

ATTEST:



Robyn Ryan, City Secretary