

**ORDINANCE No. 2014-25**

**AN ORDINANCE AMENDING CHAPTER 6, OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, TEXAS, ENTITLED "HEALTH AND SANITATION," SECTION 6.04.001, AND SECTION 6.04.004, AND SECTION 6.06.009, TO PROVIDE FOR MOWING PRIVATE PROPERTY UP TO EDGE OF PUBLIC PAVEMENT(S) AND RIGHT-OF-WAY(S); ESTABLISHING FINES FOR THE VIOLATION OF SAID ARTICLES; ESTABLISHING ENFORCEMENT AUTHORITY, REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Bastrop, Texas is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

**WHEREAS**, the City of Bastrop has the authority pursuant to Local Government Code, Section 217.042, to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits and to enforce all ordinances necessary to prevent and summarily abate and remove a nuisance; and

**WHEREAS**, the City of Bastrop has determined that it is in the best interest of the health, safety and welfare of its citizens to amend certain provisions in the existing City Ordinance Chapter 6, concerning responsibilities for abatement of nuisances within the City; and

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

**PART 1:** That various provisions and subsections set forth in Chapter 6 of the City of Bastrop's Code of Ordinances, entitled Health and Sanitation, are hereby amended, as follows:

**CHAPTER 6. HEALTH AND SANITATION**

**ARTICLE 6.04.001 Accumulation of weed, junk and refuse**

*No person shall permit any stagnant or unwholesome water, filth, carrion, weeds, rubbish, rubble, brush, lumber, building materials, refuse, junk, machinery or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature to accumulate or remain on any real property or premises which is owned by them or in their control, unless the offending material is entirely contained within a closed receptacle or a building and is not visible from the public right-of-way. Persons are responsible for removal of weeds, grass, junk and refuse from property or premises owned and controlled by them to the point that the property abuts the adjacent street pavement, the back of curb, or the public right-of-way.*

**Sec. 6.04.004 Weeds**

- (a) *No person shall permit rank and/or uncultivated vegetable growth or matter to:*
  - (1) *Grow to 12" or more in height on any lot, tract or parcel of land within the corporate limits of the city that is five acres or less in size;*
  - (2) *Create an unsightly or unsanitary condition that is a harborage for rodents, vermin or other disease carrying pests, regardless of the height of weeds; or*

(3) *Grow in excess of 12" in height on tracts of land more than five acres in size that is located within 25 feet of a public street or right-of-way within the corporate limits of the city or within 25 feet of any lot that is occupied by a residence or business.*

(4) *Persons are responsible for removal of grass and weeds from their property, as noted above, to the point that the property abuts the adjacent street pavement, the back of curb, or the public right-of-way.*

**Sec. 6.04.009 Drainage**

a) *No person may grade, fill, block, or otherwise obstruct a drainage easement, fail to maintain a drainage easement, or maintain a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation.*

(b) *No person shall grade, fill, block, alter or otherwise obstruct a premises or property that is located in either a floodplain and/or a floodway, or in areas that affect drainage into such regulated areas.*

(c) *No person shall grade, fill, block, alter, construct, or obstruct property so that water is discharged on to adjoining property or premises to the detriment of person or property or in a manner that causes the water to affect the safe use or stability of the adjacent property.*

(d) *Property owners are responsible for maintaining drainage easements on their property to the point that all such easements abut the adjacent street surfaces (whether gravel, dirt, or pavement, etc.) or if not abutting a street surface then at the point their property abuts the back of curb, or the public right-of-way, whichever is applicable to a particular property and owner.*


**PART 2.** The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

**PART 3.** All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.


**PART 5.** This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

**READ AND APPROVED, on FIRST READING, on this the 14 day of October 2014.  
READ AND ADOPTED, on SECOND READING, on this the 28 day of October 2014.**

ADOPTED:

  
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Ken Kesselius, Mayor

ATTEST:

  
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Elizabeth Lopez, City Secretary

APPROVED AS TO FORM: Jo-Christy Brown, City Attorney