

ORDINANCE NO. 2025-28

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, BASTROP CODE OF ORDINANCES BY AMENDING CHAPTER 1 - GENERAL PROVISIONS, BY ENACTING ARTICLE 1.13.05 TITLED "TREES ON PRIVATE PROPERTY", SECTIONS 1.13.05.01 – 1.13.05.05; AS ATTACHED IN EXHIBIT A; AND BY AMENDING CHAPTER 14, BASTROP BUILDING BLOCK (B3) CODE, SECTION 6.3.004 "PROTECTED & HERITAGE TREES" ADDING SUBSECTION (J) ADMINISTRATIVE DECISION; AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, the City of Bastrop, Texas (the "City") is a home rule municipality located in Bastrop County, Texas acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop has general authority to amend an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Chapters 211, 212, 214, 217, and general regulatory authority, the City Council of the City of Bastrop has general authority to regulate planning, zoning, subdivisions, health and safety, trees and the construction of buildings; and

WHEREAS, trees provide essential ecological, environmental, and health benefits that are integral to the well-being of residents in urban areas; and

WHEREAS, trees improve air quality by absorbing carbon dioxide and releasing oxygen, while also filtering pollutants such as sulfur dioxide, ammonia, and nitrogen oxide, contributing to better respiratory health and reducing the incidence of asthma, bronchitis, and other respiratory diseases; and

WHEREAS, the removal of trees, particularly mature trees, can exacerbate urban heat island effects, leading to higher temperatures, which increases the prevalence of heat-related illnesses, such as heat strokes and heat exhaustion, especially among vulnerable populations including the elderly, children, and individuals with chronic illnesses; and

WHEREAS, trees play a vital role in mitigating stormwater runoff by absorbing and filtering rainwater, which helps prevent flooding and reduces the strain on

stormwater management systems, thereby minimizing the public health risks associated with waterborne diseases and contamination from flooding; and

WHEREAS, these amendments are to add clarity and amend the Tree Mitigation Fees within the City Limits and establish a penalty for violation of the Tree Mitigation requirements; and

WHEREAS, the Planning and Zoning Commission held a public hearing on February 17, 2025, and February 24, 2025, and recommended approval of the Tree Mitigation fees and penalty on February 24, 2025; and

WHEREAS, the City Council finds that certain amendments to the aforementioned ordinances are necessary and reasonable to meet changing conditions and are in the best interest of the City.

WHEREAS, notice of the public hearing to consider the amendments to the Code of Ordinances was published on January 29, 2025, and the City held a public hearing and conducted the first reading for the City Council on March 11, 2025; and

WHEREAS, the City finds and declares that the regulation of tree removal is not only an environmental concern but also a matter of public health, and that measures to protect and maintain urban trees are vital to the health and well-being of the city's residents.

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Bastrop held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1. Findings of Fact. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment To The Bastrop Code of Ordinances, Chapter 1 and Chapter 14, Bastrop Building Block (B3) Code, Section 6. Chapter 1 – General Provisions is hereby amended and shall read in accordance with Exhibit “A,” and Chapter 14, Bastrop Building Block (B3) Code, Section 6 is hereby amended and shall read in accordance with Exhibit B which is attached hereto and incorporated into this Ordinance for all intents and purposes.

Section 3. Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 4. Codification. The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local

Government Code.

Section 5. Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances 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, in such other Ordinances, are hereby repealed.


Section 6. Effective Date. This Ordinance shall take effect after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

Section 7. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this the 11th day of March 2025.

READ & ADOPTED on Second Reading on this the 8th day of April 2025.

APPROVED:

by: 
John Kirkland, Mayor Pro-Tem

ATTEST:


Victoria Psencik, Assistant City Secretary

APPROVED AS TO FORM:


City Attorney



EXHIBIT A

Chapter 1 - GENERAL PROVISIONS ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY

ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY

Sec. 1.13.05.01 Created and established.

There is hereby created and established a private tree care article to provide the city with legal authority over the care of all trees, plants and shrubs located within privately owned property, which will aid in the establishment of a tree preservation program and will enhance the public health and beauty of the city.

Sec. 1.13.05.02 Authority.

The City Manager shall have oversight authority and responsibility for the implementation of this article.

Sec. 1.13.05.03 Establish a Process for Mitigation.

- (a) The City Manager, in conjunction with the Parks and Recreation Director, shall create a process and procedure for mitigating the removal of trees on private property by creating a permit process for tree removal.
- (b) Upon inspection by the City Arborist, or a designated third-party arborist, persons seeking to remove a tree on the protected Preferred Plant list, that is over 10" in caliper 4.5 feet from the ground, shall be required to obtain a mitigation permit that is assessed a \$400 per caliper inch.
- (c) This fee shall not be assessed to residents if: (1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and (2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.
- (d) Replacement trees shall be from the approved Preferred Plant list and shall be the same number of caliper inches removed from the site.
- (e) Failure to replace caliper per caliper will result in less mitigation fee credits.
- (f) If the City Arborist, or 3rd party Arborist, establishes that the tree must be removed for health, safety, protection from damage to surrounding property or structures, or other public safety reasons, the City Manager shall have the authority to assess no mitigation fees; however:
 - 1. On non-residential property, the replacement trees in equal caliper inches must be replanted on the site.
 - 2. On a property that is an existing one-family or two-family dwelling that is the person's residence, no fee or replacement is required.
 - 3. If the property owner removes a tree(s) that does not meet the requirements of the above and is 10 inches in caliper measured 4.5 feet from the ground and is on the Preferred Plant list as Native and does meet the definition of a protected or a heritage tree the property owner will be required to replant one plant from the Preferred Plant List for each tree removed.
- (g) Individuals commencing tree removal without a permit, shall be assessed double the mitigation fee, and must meet the requirements to replace trees on a caliper per caliper inch basis.

Sec. 1.13.05.04 Penalty for Non-Compliance

- (a) Any individual who removes trees without a permit, or does not comply with the mitigation requirements of 1.13.05.03 shall be subject to a \$500 to \$2000 fine, per tree, per offense and shall be charged with a misdemeanor offense.

EXHIBIT A

Chapter 1 - GENERAL PROVISIONS ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY

Sec. 1.13.05.05 Administrative Relief

- (a) An individual may request relief to any part of this section to the City Manager.
- (b) If the appeal is denied, the individual may appeal to the Tree Advisory Board. The decision of the board shall be final.

TABLE 2.1.003 PLANT LIST

Native Trees	Invasive Trees	Invasive Landscaping Plants & Grasses	Native Landscaping Plants
<p>American Elm (<i>Ulmus americana</i>) Bald Cypress (<i>Taxodium distichum</i>) Bigtooth Maple (<i>Acer grandidentatum</i>) Black Jack Oak (<i>Quercus marilandica</i>) Box Elder (<i>Acer negundo</i>) Bur Oak (<i>Quercus macrocarpa</i>) Cedar Elm (<i>Ulmus crassifolia</i>) Chinquapin Oak (<i>Quercus muhlenbergii</i>) Desert Willow (<i>Chilopsis linearis</i>) Eastern Cottonwood (<i>Populus deltoides</i>) Eastern Red Cedar (<i>Juniperus virginiana</i>) Gum Bumelia (<i>Sideroxylon lanuginosum</i>) Hackberry (<i>Celtis laevigata</i>) Live Oak (<i>Quercus virginiana</i>) Loblolly Pine (<i>Pinus taeda</i>) Mexican Buckeye (<i>Ungnadia speciosa</i>) Mexican Plumb (<i>Prunus Mexicana</i>) Osage Orange (<i>Maclura pomifera</i>) Pecan (<i>Carya illinoensis</i>) Post Oak (<i>Quercus stellata</i>) Ratama, Paloverde (<i>Parkinsonia aculeate</i>) Red Bud (<i>Cercis canadensis</i> var. <i>texensis</i>) Red Maple (<i>Acer rubrum</i>) Red Mulberry (<i>Morus rubra</i>) Roughleaf Dogwood (<i>Cornus drummondii</i>) Southern Catalpa (<i>Catalpa bignonioides</i>) Sycamore (<i>Platanus occidentalis</i>) Texas Ash (<i>Fraxinus texensis</i>) Texas Hickory (<i>Carya texana</i>) Texas Persimmon (<i>Diospyros texana</i>) Texas Red Oak (<i>Quercus texana</i>) Texas Walnut (<i>Juglans microcarpa</i>) Toothache Tree (<i>Zanthoxylum hirsutum</i>) Western Soapberry (<i>Sapindus saponaria</i> var. <i>drummondii</i>) Wild Cherry <i>Prunus serotina</i> Winged Elm (<i>Ulmus alata</i>)</p>	<p>Ash (all except Texas Ash) (<i>Fraxinus</i> Sp.) Australian Pine <i>Casuarina equisetifolia</i>) Beach Sheoak (<i>Casuarina equisetifolia</i>) Bottlebrush Tree (<i>Melaleuca quinquenervia</i>) Brazilian Pepper Tree (<i>Schinus tervabintifolius</i>) Camphor Tree (<i>Cinnamomum camphora</i>) Carrotwood Tree (<i>Cupaniopsis anacardiodes</i>) China Berry (<i>Melia azedarach</i>) Chinese Elm (<i>Ulmus pumila</i>) Chinese Parasol (<i>Firmiana simplex</i>) Chinese Parasol Tree (<i>Firmiana simplex</i>) Chinese Pistache (<i>Pistacia chinensis</i>) Chinese Tallow (<i>Triadica sebifera</i>) Chinese Wisteria (<i>Wisteria sinensis</i>) Golden Rain Tree (<i>Koelreuteria paniculata</i>) Ligustrum, Privet (<i>Ligustrum lucidum</i>, <i>Ligustrum</i> sp.) Mimosa Tree (<i>Albizia julibrissin</i>) Paper Mulberry (<i>Broussonetia papyrifera</i>) Peepul Tree (<i>Ficus religiosa</i>) Popinac (<i>Leucaena leucocephala</i>) Princess Tree (<i>Paulownia tomentosa</i>) Russian, Autumn Olive (<i>Elaeagnus unbellata</i>) Salt Cedar (<i>Tamarix</i> sp.) Tree of Heaven (<i>Ailanthus altissima</i>) True Cedar Tree (<i>Cedrus</i> sp.) Vitex (<i>Vitex agnus-castus</i>)</p>	<p>Japanese Honeysuckle (<i>Lonicera japonica</i>) Nandina (<i>Nandina domestica</i>) Lantana (<i>Lantana camera</i>) Bermuda Grass (<i>Cynodon dactylon</i>) Buffelgrass (<i>Cenchrus ciliaris</i>) Common Reed (<i>Phragmites australis</i>) English Ivy (<i>Hedera helix</i>) Giant Reed (<i>Arundo donax</i>) Bamboo (<i>Phyllostachys</i> sp., <i>Bambusa</i> sp.) Multiflora rose (<i>Rosa multiflora</i>) Rose of Sharon (<i>Hibiscus syriacus</i>) Annual Bluegrass (<i>Poa annua</i>) Carpet Grass (<i>Axonopus</i> sp.) Rye Grass (<i>Lolium</i> Sp) Red Fescue (<i>Festuca rubra</i>)</p> <p>Acceptable Non-Native Plants</p> <p>Apple (<i>Malus</i> sp.) Crepe Myrtle (<i>Lagerstoemia</i> sp.) Fig (<i>Ficus</i> sp.) Grape (<i>Vitis</i> Sp.) Loquat (<i>Eriobotrya japonica</i>) Peach, Plum (<i>Prunus</i> sp.) Pear (<i>Pyrus</i> sp.) Pomegranate (<i>Punica granatum</i>) Rose (<i>Rosa</i> sp.) Zoysia Grass (<i>Zoysia</i> sp.)</p>	<p>Evergreen Sumac (<i>Rhus virens</i>) Eve's Necklace (<i>Styphnolobium affine</i>) Flameleaf Sumac (<i>Rhus lanceolata</i>) Mountain Laurel (<i>Sophora secundiflora</i>) Possumhaw (<i>Ilex decidua</i>) Red Buckeye (<i>Aesculus pavia</i>) Southern Wax Myrtle (<i>Myrica cerifera</i>) Texas Buckeye (<i>Aesculus glabra</i>) Texas Lantana (<i>Lantana urticoides</i>) Yellow Bells (<i>Tecoma stans</i>)</p> <p>Native Landscaping Grasses</p> <p>Buffalo Grass (<i>Bouteloua dactyloides</i>) Curly Mesquite (<i>Hilaria berlanderi</i>) Little Bluestem (<i>Schizachyrium scoparium</i>) Inland Sea Oats (<i>Chasmanthium latifolium</i>) SideOats Gramma (<i>Bouteloua curtipendula</i>) Muhly Grasses (<i>Muhlenbergia</i> sp.) Eastern Gamma Grass (<i>Tripsacum dactyloides</i>) Indian Grass (<i>Sorghastrum nutans</i>)</p>