

**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 11<sup>th</sup> day of March 2025.

**READ & ADOPTED** on Second Reading on this the 25<sup>th</sup> day of March 2025.

Signature page to follow

**APPROVED:**

*by:* \_\_\_\_\_  
John Kirkland, Mayor Pro-Tem

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney