

ORDINANCE 64 AMENDMENT B

AN ORDINANCE OF THE TOWN OF BAYSIDE, TEXAS, AMENDING ORDINANCE 64 CONTROL OF WEEDS, BRUSH, RUBBISH, JUNK, UNSIGHTLY MATTER. DEFINING CERTAIN NUISANCES AND UNLAWFUL ACTS; ADDING EXCEPTIONS TO THE TALL WEED NUISANCE FOR THE PURPOSE OF HAY PRODUCTION BY PERMIT; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bayside, in order to promote the health, safety, and welfare of the citizens of Bayside, has deemed it necessary to set forth certain rules and regulations to regulate whatever is dangerous to human life or health, or whatever renders the ground, the water the air or food a hazard or could cause injury to human life or health.

WHEREAS, the Town of Bayside has determined that vegetation in excess of twelve (12) inches to be a public nuisance; and

WHEREAS, production of hay in large undeveloped parcels is not viewed as a public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE, REFUGIO COUNTY, TEXAS AS FOLLOWS:

SECTION 1. That ARTICLE II DEFINITIONS SEC.1 is hereby amended to include:

CROPS - Cultivated plants or agricultural produce, such as grain, corn, cotton, vegetables, or fruit, considered as a group: High grass and weeds is not considered a crop as defined by this ordinance.

SECTION 2. That ARTICLE III VIOLATIONS SEC.1 (B) is hereby amended to include:

Provided, however, the provisions of this subsection shall not apply to any owner, occupant or person in charge of any premises who has received and maintains a valid permit to grow and harvest hay within the city limits.

SECTION 3. That ARTICLE IV EXEMPTIONS SEC. 1 is hereby amended to include:

(D) Property that the owner of the premises has received and maintains a valid permit to grow and harvest hay within the city limits. The requirements for receiving and maintaining a valid permit to grow and harvest hay within the city limits are:

- (1) This section will be satisfied if all hay, remaining weeds, grass and uncultivated plants do not exceed twenty-four (24) inches in height. It shall be the duty of the property owner to remove or cause to be cut all weeds, grass or uncultivated plants as often as may be necessary to comply with this section. Failure to cut and bale said vegetation shall be grounds for the permit to be revoked.
- (2) Notwithstanding any provision contained herein to the contrary, the use of lots for harvesting hay shall not excuse the requirement that a width of at least twenty five (25) feet between property lines and at least one hundred (100) feet from any structure shall be kept mowed at or below the required twelve (12) inch height at all times.
- (3) The open storing of hay within the city limits is prohibited, and the harvested hay shall be removed from the city limits or stored within a building within thirty (30) days after the hay is harvested.
- (4) No real estate used to grow and harvest hay within the city limits shall be considered as being used for agricultural purposes unless a valid permit is in existence.
- (5) The property must be five (5) acres or larger and zoned Farm Residential. The city secretary or city official will determine the size and feasibility of the parcel for permitting. All property that has existing hay fields that are in production at the adoption of this ordinance shall be grandfathered and exempt from the acreage and zoning restriction. Permits for property that

has been grandfathered on size and zoning restrictions will not transfer with the change of ownership. New property owners must have the required five (5) acre minimum and be zoned Farm Residential to receive a Hay Permit.

(6) Permits shall be issued upon the payment of a fee per contiguous lot and each permit shall be valid for one year. The fee set by the city council shall be paid as required at the time of filing application. Said fees may be adjusted annually. Permits may be renewed annually upon the payment of the annual fee. Only property owners may apply for the permit.

(7) Applications for permits shall be made upon forms provided by the city secretary and shall contain or have attached thereto information including, but not necessarily limited to, the following:

(a) Name, address and telephone number of the applicant, the owner of the premises, and any person or entity holding any lien against the premises.

(b) The legal property description (farm tract, lot and block number) of the premises.

(E) The following areas and types of vegetation are exempted from this provision if managed in a manner so as not to become infested with weeds or to create a stagnant, foul-smelling condition:

(1) Native wetland vegetation found in wetlands, as defined by the State of Texas Wetlands Conservation Act, or in floodplains, drainage ponds, or ditches which store and convey storm water;

(2) Native vegetation found in natural areas which are part of public open space, parks, and nature centers;

SECTION 4. That ARTICLE VIII PENALTY is hereby amended to include:

Each day such violation exists shall constitute a separate offense.

SECTION 5. VALIDITY. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The validity of any section, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 6. SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper Oct. 19th 2006

Passed, ordained, approved and adopted this the 10th day of October, 2006.

Attest:

Connie Canner
City secretary

By: Billy P. Fries
Mayor Town of Bayside, Texas