

**ORDINANCE 948**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY ADDING SECTION 46-31 OF DIVISION 1 OF ARTICLE 2 OF CHAPTER 46 BY PROHIBITING THE CLOGGING OF DRIVEWAY DRAINPIPES AND DITCHES ADJACENT TO SUCH PROPERTY; BLOCKING RUNOFF OF SURFACE WATER; PROHIBITING THE BLOCKING OF RUNOFF OF SURFACE WATER BY DECLARING A NUISANCE AND BY PROVIDING A PENALTY**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:**

**Section 1.** There is hereby added to the Code of Ordinances of the City of Piney Point Village, Texas, a new Section. 46-31 as follows:

**Sec. 46-31 Clogging Of Driveway Drainpipes Prohibited; Declared Public Nuisance; Abatement**

(a) It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the city to allow the driveway drainpipe in the ditch adjacent to such property to become clogged with rubbish, grass or weeds to such an extent that such drainpipe will not carry off surface runoff waters or allow water to stand in such ditches to such an extent as is reasonably calculated to create a health hazard or restrict the surface runoff waters which may cause flooding or damage to property of the citizens of the city, or either act is hereby declared to constitute a public nuisance.

(b) Whenever a driveway drainpipe or ditch is clogged and will not permit the runoff of surface water as prohibited by this section, the building permit official shall determine whether or not such clogged driveway drainpipe or ditch is clogged, or both, to such an extent that surface runoff waters stand in the ditch or such conditions are sufficient to constitute a nuisance; and if the building permit official shall so find the building permit official shall issue a warning to the owner lessee, occupant or any person in charge of the premises and if the clogged driveway drainpipe, and/or clogged ditch adjacent to such premises is not cleaned up within five (5) days after the warning is issued, the building permit official shall declare a public nuisance, and shall order such condition corrected by the owner, occupant, lessee or person in charge of such premises, within ten days from the date such notice is given.

**Section 2.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as set out in Section 1-11 of the Code of Ordinances in the City of Piney Point Village in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 3.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 24th day of April, 2006.

The City of Piney Point Village

  
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Carol Fox, Mayor

ATTESTED:

  
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Lorena E. Briel, City Administrator