

ORDINANCE 965

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY AMENDING SECTION §74-244 (a)(2); PROVIDING THAT AIR CONDITIONING/HEATING EQUIPMENT AND MOSQUITO EQUIPMENT BE ALLOWED IN SIDE YARDS UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by substituting hereby amending Subsection (2) to Section 74-244(a) to provide as follows:

(2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than 10 feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is: (a) located no less than 10 feet from the side property line; (b) located within 6 feet of the main structure; and (c) screened so it cannot be viewed from the street.

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 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 27th day of November, 2006.

SIGNED:



Carol Fox, Mayor

ATTEST:



Lorena Briel, City Administrator