

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING SUBPARAGRAPH (b) OF PARAGRAPH (5) OF SUBSECTION (i) OF SECTION 74-245 IN ITS ENTIRETY AND ADDING A NEW SUBPARAGRAPH (b) OF PARAGRAPH (5) OF SUBSECTION (i) OF SECTION 74-245, ESTABLISHING REGULATIONS FOR THE REPLACEMENT OF NONCONFORMING FENCES; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; 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. That Paragraph (3) of Subsection (i) of Section 74-245 be deleted in its entirety and a new Paragraph (3) of Subsection (i) of Section 74-245 be added to provide as follows:

“Article IV. – DISTRICT REGULATIONS

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Sec. 74-245 – Supplementary district regulations.

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- (i) *Fences and walls in required yards.* No fence or freestanding fence-type wall shall be permitted in any required yard except as specifically authorized below:

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- (5) *Replacement of nonconforming fences.* At such time as there is construction of any building or remodeling of any existing building on the lot as defined in section 714-212(b), all fences on the lot shall be replaced so as to conform to all the regulations and articles of the city, including the provisions of subsection (h)(4) above. Notwithstanding any other provision contained in this chapter to the

contrary, a fence other than a chain link or wire fence located within a required side or rear yard adjacent to a street, which was lawfully permitted by the city and existing at the time of its construction or erection, but which is nonconforming pursuant to subsection (i)(3), shall be permitted to be replaced or reconstructed to remain nonconforming until such time as there is construction as defined in section 714-212(b), even in the event of total damage or destruction, provided such fence is replaced or reconstructed:

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- b. To a height equal to or less than the height of the nonconforming fence, which does not exceed six a total height of eight feet above the surrounding natural grade;"

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter 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 circumstance 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.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2022.