

ORDINANCE NO. 2004-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE DEFINITION OF *BUILDING LINE* IN SECTION 14-430 OF ARTICLE VII OF CHAPTER 14 THEREOF, AND SUBSTITUTING THEREFOR A NEW DEFINITION OF *BUILDING LINE*; REDEFINING BUILDING LINES TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL BEYOND THE REAR BUILDING LINE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 PER DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting the definition of *Building Line* in Section 14-430 of Article VII of Chapter 14 thereof, and substituting therefore a new definition of *Building Line* to provide as follows:

“Sec. 14-430. Definitions.

Building line shall mean an imaginary line, running parallel with applicable lot lines or street easements or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, swimming pools, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization by the city or other governmental entity having jurisdiction thereover. Provided, however, no fence shall be authorized beyond a front building line and no swimming pool shall be authorized beyond a front or side building line, except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.”

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. 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 Tomball, 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.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF NOVEMBER 2004.

COUNCILMAN MARTIN	<u> AYE </u>
COUNCILMAN FORD	<u> AYE </u>
COUNCILMAN FAGAN	<u> AYE </u>
COUNCILMAN GATLIN	<u> AYE </u>
COUNCILMAN DRIVER	<u> AYE </u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 15TH DAY OF NOVEMBER 2004.

COUNCILMAN MARTIN	<u> AYE </u>
COUNCILMAN FORD	<u> AYE </u>
COUNCILMAN FAGAN	<u> AYE </u>
COUNCILMAN GATLIN	<u> AYE </u>
COUNCILMAN DRIVER	<u> AYE </u>

(signed) H. G. Harrington _____
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer _____
Doris Speer, City Secretary
City of Tomball