

Village of Point Venture

ORDINANCE NO. 2022-07-20

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING CHAPTER 4 OF THE VILLAGE OF POINT VENTURE CODE OF ORDINANCES; AMENDING THE HOUSE ELEVATION AND LOCATION STANDARDS; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL, SEVERABILITY, SAVINGS, PUBLICATION AND CODIFICATION; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the Village of Point Venture may adopt and amend ordinances for the good government, peace and order of the Village, as necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Village Council has previously adopted house elevation and location standards, as codified in Chapter 4 of the Village of Point Venture Code of Ordinances; and

WHEREAS, the Village Council finds the amendment of the house elevation and location standards is necessary for the good government, peace and order of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS:

SECTION 1. Findings of Fact. All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, Texas and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment. The Code of Ordinances of the Village of Point Venture, Texas is hereby amended by deleting Subsection 4.03.007(b) of Chapter 4 thereof and substituting therefor a new Subsection 4.03.007(b) of Chapter 4 to provide as follows:

**“VILLAGE OF POINT VENTURE, TEXAS
CODE OF ORDINANCES**

...

CHAPTER 4 BUILDING REGULATIONS

...

ARTICLE 4.03 CONSTRUCTION CODES AND STANDARDS

...

4.03.007 House Elevation And Location, Survey, Building Codes

...

- (b) Elevations and location. All permittees shall obtain an elevation certificate prior to receiving a certificate of occupancy. The submitted plans shall show the highest elevation of the roof, exclusive of the chimney, and lowest finished floor elevation, based on the reference benchmark. The building official/assistant building official will use this data to:
- (1) Determine whether any portion of the structure is in the floodplain; and, if so, whether the permittee has obtained a floodplain development permit, or variance, as described in section 4.03.003(f), of this article; and
 - (2) Ensure the maximum height for any new building or other structure, or for the modification of any building or other structure in the village that increases the existing height of such building or other structure, does not exceed the maximum height allowed in the zoning ordinance, as amended.”

SECTION 3. Repeal. All provisions of the ordinances of the Village of Point Venture in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the Village of Point Venture not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be illegal, invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of any remaining provision of the Code of Ordinances or the Code of Ordinances as a whole.

SECTION 5. Savings. All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances regulating house elevation and location standards which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

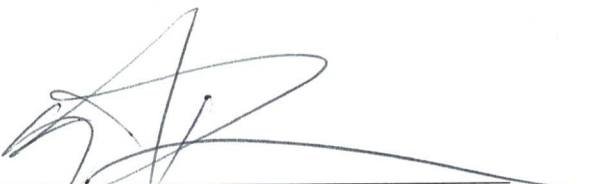
SECTION 6. Publication and Codification. The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

SECTION 7. Open Meeting. The Village Council of the Village of Point Venture hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 8. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five Hundred Dollars (\$500.00), in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

DULY PASSED AND ADOPTED by the Village Council of the Village of Point Venture, Texas, on the 20th day of July, 2022.



Steve Perschler, Mayor

ATTEST:



Vickie Knight, Village Secretary

APPROVED AS TO FORM:



Caroline Kelley, Village Attorney