

*See #120 also
copy attached*

ORDINANCE NO. 149

AN ORDINANCE PROHIBITING ON OR AFTER SEPTEMBER 1, 1989, THE INSTALLATION OF A MOBILE HOME FOR USE OR OCCUPANCY AS A RESIDENTIAL DWELLING WITHIN THE CORPORATE CITY LIMITS OF MAGNOLIA, TEXAS; PLACING RESTRICTIONS ON REPLACEMENT OF MOBILE HOMES WITHIN THE CITY OF MAGNOLIA, TEXAS; AND REQUIRING INSTALLATION OF HUD-CODE MANUFACTURED HOMES IN ACCORDANCE WITH REGULATIONS OF THE TEXAS DEPARTMENT OF LABOR AND STANDARDS.

RECITALS

WHEREAS, the City of Magnolia deems it necessary to insure that the residents of the City of Magnolia are provided with safe, affordable, and well-constructed housing; and

WHEREAS, the City of Magnolia, by and through its City Council, deems it in the best interest of the City to mandate adequate, safe housing for the general welfare of its residents; and

WHEREAS, housing within Montgomery County is from time to time subject to hurricane or near-hurricane force winds and the City of Magnolia, by and through its City Council, deem it necessary to provide that future housing withstand such violences of nature for the welfare of all residents within the City of Magnolia, Texas; THEREFORE,

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

1. This Ordinance is authorized and the City Council hereby adopts the following provision pursuant to 5221f, Vernon's Annotated Civil Statutes.

2. The following definitions apply throughout this Ordinance.

A. "Mobile home" means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

B. "Department" means the Texas Department of Labor and Standards.

C. "Person" means an individual, partnership,

company, corporation, association, or other group, however organized.

D. "Installation", as used herein, means the transporting of manufactured homes or their components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air-conditioning, and minor adjustments.

E. "Manufactured housing and/or home" and "HUD-Code manufactured home" are equivalent terms as used herein and refer to a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the travelling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

3. On or after September 1, 1989, it shall be unlawful for any person to install within the corporate city limits of Magnolia, Texas, a mobile home for use or occupancy as a residential dwelling. This Ordinance shall not apply to any manufactured home or mobile home existing within the corporate city limits of Magnolia, Texas, on or before September 1, 1989, and used or occupied as a residential dwelling on this date.

4. Any manufactured home or mobile home existing within the corporate city limits of Magnolia, Texas, on and after September 1, 1989, shall only be replaced upon proper application to the City of Magnolia and the obtaining of a permit, by a HUD-Code manufactured home.

5. Any HUD-Code manufactured home installed within the corporate city limits of the City of Magnolia, Texas, on and after September 1, 1989, shall only be installed in of the City of Magnolia, Texas, as hereinafter described and only after proper application for a permit from the City for approval to install manufactured housing. The installation of manufactured housing shall be in accordance with the rules and regulations in force and effect at the time the permit is applied for by the Texas Department of Labor and Standards. The City Council shall set such fee for permit and application at such amount it deems just and right from time to time.

6. All electrical wiring to the manufactured home shall be

underground and in accordance with the City's electrical and building regulations. All telephone lines to the manufactured home shall also be installed underground.

7. Each manufactured home shall be provided with a sewer riser pipe of minimum of four inches (4") diameter. The individual sewer connections and all other elements in the park sewer system shall conform with the City's plumbing regulations and the general design and construction standards provided in the City's development regulations. Disposal shall be into the public sewer system.

8. LPG systems servicing said manufactured home shall conform with applicable codes and regulations by the Texas Railroad Commission pertaining thereto.

9. Persons desiring to locate a HUD-Code manufactured home within the limits of the City of Magnolia, or replace a previously existing mobile home with a HUD-Code manufactured home within the City of Magnolia shall apply to the City for a permit. Such persons desiring a permit to locate a HUD-Code manufactured home within the limits of the City of Magnolia shall furnish evidence that the manufactured home has been approved by the Texas Department of Labor and Standards as a HUD-Code manufactured home to the City Secretary of the City of Magnolia. Upon satisfactory proof of this compliance, the City Secretary shall issue a permit within forty-five (45) days of compliance of this provision.

PASSED this 11th day of August, 1989.

D. D. Dyer
Mayor

ATTEST:

Mary Mc Juey
City Secretary

2" x 4" Red Label on rear of Home