

City of Magnolia, Texas

Ordinance No. 2008-131

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SIGNS AND SIGN STRUCTURES WITHIN THE CITY OF MAGNOLIA; PROVIDING DEFINITIONS; PROVIDING MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ORDINANCE NO. 344, AS AMENDED, ORIGINALLY ADOPTED THE 8TH DAY OF JUNE, 2004, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Magnolia recognizes the need for signs. It is intended that this chapter regulate the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the town; and

WHEREAS, the purpose of this ordinance is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the quality of materials, construction, illumination, installation, and maintenance of all signs and sign structures to avoid any hazard to the jurisdiction; and

WHEREAS, the City Council is authorized to regulate signage within its territorial limits and extraterritorial jurisdiction (ETJ), in accordance with Chapter 216 of the Texas Local Government Code; now therefore

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

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 1. Definitions.

For the purposes of this Ordinance, the following words, terms and phrases shall have the meanings ascribed thereto, unless the context clearly indicates otherwise; Whereas when the phrase “the City of Magnolia” is used in the context of this ordinance it will be understood to mean “the City of Magnolia and its extra territorial jurisdiction”; Whereas when the phrase “the City” is used in the context of this ordinance it will be understood to mean “the City Administrator or his designee.”

Abandoned sign means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 60 days or more, or a sign, the content of which pertains to a time, event, or purpose which no longer applies.

Garage sale sign means a sign advertising a garage sale, and such sign may not exceed four square feet in size.

Grand opening event signs shall mean a promotion advertising the Grand Opening of a business using pennants, balloons, heavier than air inflatable item, forced air inflatable item, banners or any combination thereof.

Electronic sign means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes. This includes a Changeable electronic variable message sign (CEVMS) which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an light emitting diode (LED) or digital sign, and which varies in color or intensity. Electronic signs do not include a sign located within the right of way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the Federal Highway Administrator as the National Standard.

Fence sign shall mean any sign placed on a fence.

Illuminated sign means a sign which is directly lighted by an internal or external electrical source. Such term shall not include signs by street signs or light sources owned by the city or light sources operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Lot means and includes any individual plot, parcel or tract.

Multiple tenant sign shall mean a Ground Sign containing advertising for two or more businesses.

Nonconforming sign means a sign which is erected or displayed prior to the effective date of this chapter, or subsequent amendments, that does not conform with the standards of this chapter.

"Off-premise sign" means a sign displaying a message that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the property on which the sign is located.

"On-premise sign" means a sign displaying a message identifying, advertising or pertaining to a business, person, organization, activity, which is installed and maintained on the same property as the business, person, organization or activity.

Point of sale signage (external) means signage that is attached to point of sale devices that extend beyond the structure of the building. (i.e. Example: bank drive-throughs, fast food drive-throughs, gas pump islands, ATMs, parking lots, shopping cart collection points, etc.) Credit card advertisement brochures, film developing advertisements, or advertisements on merchandise which must actually be obtained or purchased at another spot or location are prohibited.

Portable sign means a sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile-wheeled trailer.

Protection sign shall mean any sign used to state the name and phone number of the alarm monitoring company which is monitoring the premises or signs which are used to limit trespass.

Roof sign means a sign that is located upon the roof of a structure.

Sidewalk Sign means a temporary sign of one or two sides intended to be placed on a public sidewalk during business hours and taken in during non business hours.

Sign means a permanent, temporary or portable structure or device, sign, display, light device, figure, painting, drawing, message, plaque, billboard, figure, symbol, insignia, medallion, flag, banner, balloon, etc., or other thing which advertises or represents a product, service, person, business, operation, use or event, or transmits information or an idea.

Sign face shall mean the entire area or display surface of a sign that is or can be used for the message.

Sign official means the city administrator or the person specifically designated by the city.

Shingle sign means a shingle-type sign suspended from the underside of a horizontal plane or one wherein the sign is supported by that plane.

Sign means a sign or information transmitting structure to be erected or displayed for or less.

Wall sign means a flat sign affixed to the wall of a building, and is capable of displaying

Suspended
along a vertical plane

Temporary
a period of 60 days

Wall mounted
a sign message.

Violations Prohibited.

Section 2. **Violations**

It shall be unlawful for any Person to cause or permit the placement, construction, operation or maintenance of any sign or sign structure within the City of Magnolia and its extra-territorial jurisdiction except as provided in this Ordinance. It shall be unlawful for any Person to cause or permit the placement, construction, operation or maintenance of any sign or sign structure within the City of Magnolia and its extra-territorial jurisdiction unless a permit has been issued therefore in accordance with this Ordinance and other ordinances of the City of Magnolia applicable thereto. It is not a violation if a sign or sign structure is exempted under Section 6 of this Ordinance.

Section 3. Permitted Signs.

(A) Temporary direction signs. Temporary signs that direct the public to a special event of civic interest such as parades, organized holiday festivities or special events on the behalf of charitable or non- profit organizations are allowed provided that all such signs are placed with the permission of the property owner.

(B) Sidewalk signs. A uniform, city approved sidewalk sign may be permitted. All approved sidewalk signs must be displayed only during regular store hours. No sign shall obstruct pedestrian or vehicular traffic, or be displayed in a public right-of-way.

(C) "Grand opening" signs. Grand opening signs shall be displayed for a period not to exceed 45 days. "Going out of business" signs may be displayed for a period not to exceed 60 days.

(D) Point of sale signage (external). Businesses using traditional drive through or drive up facilities will be allowed to affix minimal point of sale signage to the point of sale devices that extend beyond the structure of the building, including gas pumps.

(E) Permanent commercial signs permitted.

(1) Wall signs.

a. *Size and number.* A business may utilize up to 60 percent of total square feet of wall area. Number of signs is not restricted except for above percentage.

b. *Location.* A wall sign shall not project above the roofline. The sign must be located on the site where the goods or services are offered.

(2) Ground signs (freestanding).

a. *Size and number.* One ground sign is permitted for each business with a total sign area not to exceed one hundred sixty(160)square feet including frame.

b. *Location and height.* The height, including any part of the sign or structure, shall not exceed thirty (30) feet in height above the average finished grade at the front property line. The sign must be located on the site where the goods or services are offered. Any signs that are twenty (20) feet or more in height shall be inspected for safety and structural purposes.

c. *Frontage on more than one street or road.* A business may have one ground sign on each side of the business that fronts a public road or street.

(3) Suspended signs. A shingle-type sign suspended from the underside of a horizontal plane or a vertical plane wherein the sign is supported by that plane is permitted under the following conditions:

a. *Size and number.* Any number of suspended signs are allowed, with the total area of all suspended signs not to exceed (16) square feet. A suspended sign *may be* projecting, swinging, or flat sign face attached to the horizontal or vertical plane.

b. *Location and height.* Sign structure must be elevated to where the bottom edge of the sign is at least seven (7) feet above a sidewalk, or thirteen (13) feet above a parking lot. Shingle signs hung from an awning or roofline above a porch or deck railing must be contained within the opening between the awning or roof and the railing below. No sign may project over a street or public right-of-way or in any way obstruct pedestrian or vehicular traffic.

(4) Multiple Tenant Signs (shopping centers and mixed-use developments).

a. *Wall signs.* Regulations for wall signs shall be the same as provided in subsection (1) of this section.

b. *Ground signs.* Freestanding multiple tenant signs shall be permitted for integrated development of two or more separate businesses. If a freestanding multiple tenant sign is used, individual freestanding signs are not permitted.

1. *Area.* The total sign area for all freestanding multiple tenant signs shall not exceed two hundred (200) square feet including frame.

2. *Height.* A multiple tenant sign shall not exceed thirty (30) feet in height.

3. *Frontage on more than one street or road.* One multiple tenant ground sign may be erected for each public road or street frontage.

(5) Electronic Signs.

a. Shall not contain or display animated, moving video, or that consist of a static image projected upon a stationary object or that is a mobile sign located on a truck or trailer.

b. The changeable message portion shall be limited to two (2) colors, and shall be limited to black, white, gold, yellow, red, blue, or green. The Building Official shall determine whether proposed colors conform to these colors.

c. The face or display of the sign shall be placed toward a public right-of-way.

d. Each message on an electronic sign shall be displayed for at least sixty seconds.

(F) Temporary signs.

a. Size and Number. A total of (2) two temporary signs may be permitted for each business frontage. If wall mounted, any temporary sign will count toward the 60 percent maximum coverage limit. See above section (E)(1). If attached to the ground the sign shall not exceed (10) ten square feet in area. Permit fees apply to temporary signs, but temporary signs may be replaced from time to time under the same permit, so long as all other applicable requirements of this ordinance are met. A cloth or plastic banner or pennant may serve as a temporary sign.

Section 4. Prohibited Signs.

(A) The construction, placement, existence, or use of, or advertisement on signs of the following nature are expressly prohibited unless specifically authorized by this ordinance.

- (1) No new off-premise signs shall be permitted within the corporate boundaries of the City of Magnolia or within its extra-territorial jurisdiction.
- (2) Signs which advertise an activity business or service no longer conducted on the premises upon which the sign is located.
- (3) On-premise Electronic signs that contain or display animated, moving video, or that consist of a static image projected upon a stationary object or that is a mobile sign located on a truck or trailer.
- (4) Signs which contain or have attached thereto posters, ribbons, streamers, strings of light bulbs or other similar devices.
- (5) Signs which contain statements, words, or pictures of an obscene, indecent or immoral character which offend public morals or decency.
- (6) Signs or portions thereof which are located on or project or extend over any public sidewalk, street, alley or other public property. Signs required or authorized by governmental authority are exempted from this provision; temporary sidewalk signs are allowed, see Section 3 (B).
- (7) Signs which constitute a hazard to pedestrian or vehicular traffic, or which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (8) Signs which make use of any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse vehicular traffic.
- (9) Portable or wheeled signs.
- (10) Signs with flashing, blinking or traveling lights.
- (11) Signs attached to or located upon exposed amenities such as benches, trash containers or fences.
- (12) Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- (13) Roof signs that extend more than 24 inches above the highest point of the roof.
- (14) Handmade signs. All signs must be professionally produced.
- (15) Banners and pennants, unless permitted as temporary signs in Section 7, permitted as a Grand Opening Sign in Section 3(C), or allowed for bona fide special event sign in Section 6.
- (16) Signs placed on any utility pole, traffic control device or sign or placed in the public right of way(unless allowed under section 3(a).

(B) Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Texas, or any political subdivision.

Section 5. Measurement of Signs.

(A) Wall signs (fixed to buildings) shall be measured as follows: the sign facing or surface area of a wall's sign shall be computed as including the entire area within a regular geometric form comprising all display area of the sign including all elements of the display and including the frame if applicable.

(B) Ground signs (freestanding) shall be measured as follows: the sign facing or surface area shall be computed as including the entire area within a regular geometric form comprising all display area of the sign and including all elements of the matter displayed including the frame.

(C) Calculation of area.

(1) *Structural members.* Supporting structural members of a sign not bearing advertising matter, identifying color, symbols, wording or pictures shall not be included in computation of surface area.

(2) *Irregular signs.* In calculating the area of irregular signs or separately mounted signs on one supporting structure, the area shall be that of the smallest regular geometric form that will wholly contain all of the elements including the frame.

Section 6. Exemptions.

The provisions and regulations of this ordinance shall not apply in the following classes of signs:

(1) Professional and commercial nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building, co-op or lease space or public institutional buildings and not exceeding four square feet in area.

(2) Memorial and/or other historical signs designated by federal, state or local governments.

(3) Traffic or other city signs, legal notices or danger signs posted by federal, state or local governments.

(4) Non-advertising signs or trespassing signs on private property, not exceeding four square feet in area.

(5) Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the public, or as required by any law or regulations of the state or any agency thereof.

(6) For nonprofit civic organizations, one sign up to nine (9) square feet in area to advise the membership of meetings and civic information.

(7) On-site directional signs for public and private developments denoting the entrance, exit and direction of traffic flow and not exceeding four square feet in area, providing such sign is not prohibited or further regulated by other sections of this article or any other ordinance of the city.

(8) Identification nameplate or sign on a commercial or industrial establishment not exceeding four square feet in area located near and for the purpose of identifying delivery entrances.

(9) Protection signs and they may be placed on a fence and not be counted as a fence sign.

(10) Signs located on the inside of glass surfaces or windows or doors as long as the sign does not exceed 50% of the glass surface for each, panel, section, door, or window, except such signs shall not be placed at points of egress and ingress into the store or building.

(11) Garage sale signs are allowed for a period of three (3) days prior to the sale, must have a date on them when posted and shall be removed at the conclusion of the sale. Signs shall be erected on private property only. No signs shall be allowed on the public right of way.

(12) Lost or Found Pet signs shall be allowed, however no signs shall be allowed on the public right-of-way.

(13) Special event signs in designated areas may not be erected sooner than 45 days preceding a special event, and shall be removed within 7 days following the special event. Applicants for special event signs must submit the sign for approval to the sign official. Signs for special events shall be professionally produced.

(14) A Sign that contains primarily a political message and that is located on private real property with the consent of the property owner and does not:

- (a) have an effective area greater than 36 feet;
- (b) is more than eight feet high;
- (c) is illuminated; or
- (d) has any moving elements.

Private real property does not include real property subject to an easement or other encumbrance that allows the city to use the property for a public purpose.

Section 7. Permits and Application Procedures.

(A) It shall be unlawful for any person, unless otherwise provided in this article, to erect, construct, reconstruct, structurally alter or relocate any sign within the city without first obtaining a sign erection permit.

(B) Application. All applications for sign erection permits shall be accompanied by two (2) copies of a dimensional and sight drawing to scale that shall include the following:

(1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached and/or If the sign is a ground sign then dimensions need to be included to all other structures on the property.

(2) A drawing must be attached which includes the exact copy (wording, logo, & colors) which will be used on the sign.

(3) If the sign is to be installed on the building then an elevation drawing with dimensions must also be attached which shows the location of the sign on the structure.

- (4) The dimensions of the signs supporting members.
- (5) The maximum and minimum height of the sign.
- (6) The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
- (7) The proposed location of the sign on the lot upon which it is to be placed.
- (8) The location of all electrical transmission lines within 10 feet of any part of such proposed sign structure.
- (9) If applicable, plans and specifications for the electrical system of the sign.
- (10) If the application is for a projecting sign or a ground sign that exceeds twenty feet in height, such plans shall be prepared, certified and stamped by a registered professional engineer.
- (11) The City may require an engineer's certification of any plan for a proposed sign that could constitute a risk to public safety.
- (12) All applicants for permanent signs must have all previous sign permits completed and charges owed to the city paid in full before final approval of the permit application.

(C) Owner's Consent. Each permit application shall be signed by the owner of the property upon which such sign is proposed to be located. All permit applications shall contain the signed statement of the applicant stating that the construction placement or maintenance of the sign does not violate any provision of this Ordinance or State law and provide a copy of any permits required by the State of Texas.

(D) Sign Building Permit; Duration; Extension. Construction of a permitted sign must be completed no later than 180 days from the date of the issuance of a permit unless, prior to the 180th day from the date of issuance of the original permit, a written extension of the permit for an additional 180 days is obtained from the City. All signs and sign structures shall be constructed and maintained in accordance with all applicable building and electrical codes of the City of Magnolia, and nothing contained in this Ordinance shall be construed as waiving or limiting any applicable provision thereof, including, but not limited to, permitting and inspection requirements.

(E) Issuance. Fee.

(1) Upon the filing of any application for a sign erection permit, the plan, specifications and other data shall be examined by the city building official. If it appears that such proposed sign is in compliance with the requirements of this article, the city building code, and other laws of the city, the city building official shall issue the applicant an erection permit at a fee of \$25.00. The fee of \$25.00 shall cover up to 5 applications for sign erection permits for the same property filed at the same time. If 6-10 applications are filed at the same time for the same property, then the filing fee shall be \$50 and so forth. Each separate lot for which a sign erection permit(s) is filed is charged shall be charged a minimum \$25.00 fee.

(2) A permit shall not be required for the following:

- (a) The changing of the advertising copy or message of a painted sign; or
- (b) The electrical, repairing, or cleaning maintenance of a sign.

(F) Sign Permit / Duration / Repair. All signs will require a permit unless they are specifically exempted by this ordinance or were lawfully in existence at the time of adoption of this ordinance. Any sign which does not comply with this ordinance and is erected after the adoption of this ordinance without the proper permit will be subject to a Municipal Court Citation.

(G) Temporary Signs. A temporary sign permit will expire as specified by this ordinance. Any temporary sign which remains in place beyond its expiration date will be subject to penalty provisions of this ordinance. Any sign which has the sign face changed, altered, or replaced must apply for a new permit. Temporary signs which are allowed to be re-permitted and which will stay in the same location will not be charged a plan review fee but they will have to pay permit fee in order for the renewal will be effective from the previous date of expiration.

Section 8. Structural and Safety Requirements.

Each sign and sign structure shall comply in all respects with applicable building and construction codes of the City of Magnolia including, but not limited to, those relating to wind loads, structural support, and electrical specifications. . Signs shall be located a minimum distance of ten (10) feet, measured horizontally or vertically, from overhead electric conductors. For the purposes of this Section, the term "overhead electric conductors" shall mean any electrical conductors, whether bare or insulated or installed above ground.

Section 9. Inspection of Signs.

Each sign will be subject to an annual inspection by the designated sign official. Signs found to be in compliance with all terms of this article will be renewed for a period of one year for an annual fee of \$25.00. The owner of sign(s) determined not to be in compliance with the terms of this article will be so notified and granted 60 calendar days to comply. The owner of sign(s) that remain non-compliant with terms of this article will be notified that the sign(s) may be subject to removal pending city council consideration.

Section 10. Stop Work Orders.

The issuance of a sign erection permit shall not constitute a waiver of this article or other ordinances of the city. The city building official is authorized to issue stop orders for any sign which is being constructed in violation of this article or any other ordinance of the city.

Section 11. Maintenance and Removal of Abandoned and Non- conforming Signs.

(A) Maintenance of Signs and Sign Structures. All signs and parts thereof, including sign structures and sign faces, shall be maintained so as to prevent rusting or rotting of the sign structure or sign face. Signs shall maintained at reasonable intervals, and shall include painting, replacement of defective parts, repairing, other cosmetic repairs and cleaning, none of which shall be construed as replacement of the sign face. All areas around sign shall be kept free of weeds, debris, junk or other unsightly materials. The city building official shall inspect all signs and sign structures at random and

shall require corrections of any signs deemed in violation of this section. Business or individuals found in violation shall have 60 days to correct or abate any violations.

(B) Unsafe Signs. Should the City determine that the structural integrity of any sign is such that persons or property are at risk of injury or damage, a written notice of such an unsafe condition shall be mailed or delivered to the person owning, leasing, or responsible for the sign as identified on the sign use permit. It shall be unlawful for any person to fail to maintain a sign or sign structure in accordance with this Ordinance, or to fail to remedy an unsafe sign following notice pursuant to this Section.

(C) Abandoned On-Premise Signs. Signs which have been abandoned due to closing of business or for any other reason rendering the sign not applicable to the property involved shall be painted over or blanked out by the owner of the building or premises within 60 days from the date of the action that caused the sign to be considered abandoned. The City may require the removal of an on-premise sign or sign structure not sooner than the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the City may require removal after the second anniversary after the date the most recent tenant ceases to operate on the premises. The removal of a sign or sign structure as described by this subsection (C) does not require the appointment of a board under Section 216.004 of the Local Government Code.

(D) The changing of the advertising copy or message of a painted sign or the electrical, repairing, or cleaning maintenance of an abandoned on-premise sign cannot be done until a new sign erection permit is applied for as provided for in Section 7.

Section 12. Variances.

(A) A relaxation of the terms of this ordinance may be permitted where such variance will not be contrary to the public interest and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of this section would result in unnecessary and undue hardship.

(B) A variance is authorized under this subsection only for height, number of signs and sign area.

(C) Any variance requested under this section shall be heard and decided by the city council.

Section 13. Non-conforming Signs.

(A) Continuation of Lawfully Existing Nonconforming Sign. A nonconforming sign that lawfully exists on the effective date hereof may be used so long as it remains otherwise lawful, subject to the standards and limitations of this Section, and is subject to the annual permit fee required by Section 9.

(B) Removal of Nonconforming signs. Signs having been permitted to remain in place as a nonconforming sign, may be required to be removed by the City if the non-conforming sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. A nonconforming sign or substantial part of it is considered to have been destroyed or dismantled only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location. The removal of a sign or sign structure as described by this subsection (B) does not require compensation provided under Chapter 216 of the Local Government Code.

(C) Movement, Alteration, and Enlargement. A nonconforming sign may not be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law;

(1) Repair, Maintenance, Alteration and Enlargement. A nonconforming sign face may be repaired and or minor maintenance performed (such as electrical, lighting, paint, etc.) provided; however, that no such repair and or maintenance shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such sign.

(2) Moving. A nonconforming sign shall not be moved, in whole or in part, for any distance whatsoever, to any other location, on the same or any other lot, unless the entire sign shall thereafter conform to this Ordinance.

(3) A non-conforming off-premise non-electronic sign may be altered (not enlarged) to an electronic sign, provided that any such electronic sign is governed and subject to the provisions of Section (3)(E)(5) of this ordinance governing electronic signs.

Section 14. Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a minimum of \$250 and a maximum of \$500. Each day of violation shall constitute a separate offense.

Section 15. Repealing Clause.

City of Magnolia, Texas, Ordinance No. 344, originally adopted the 8th day of June, 2004, is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency, hereby repealed.

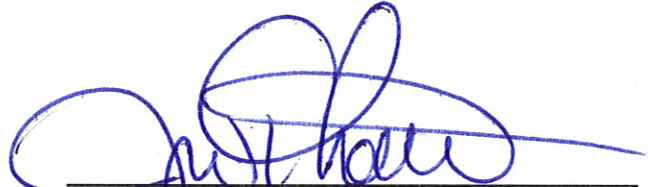
Section 16. Severability Clause.

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 Magnolia, 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 is one or more parts.

Section 17. Compliance Clause and Effective Date.

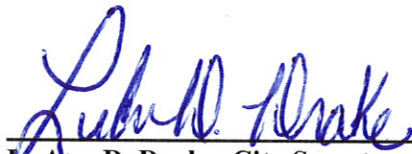
The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The Acting City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code. This Ordinance shall take effect on October 1, 2008.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF AUGUST 2008.



Jimmy W. Thornton, Jr., Mayor

Attest:



LuAnn D. Drake, City Secretary