

ORDINANCE NO. 275

ORDINANCE AMENDING ORDINANCE NO. 190, REMOVING THE PERMIT REQUIREMENTS AND PERMIT FEES FOR THE TRANSPORTATION OF MANUFACTURED HOMES; MAINTAINING REGULATIONS AND PERMIT FEES FOR STRUCTURES, INCLUDING MOBILE HOMES, AS PROVIDED FOR BY ORDINANCE NO. 190.

WHEREAS municipalities, including the City Of Magnolia, Texas, cannot lawfully impose a permit fee on the transportation of manufactured homes within their city limits; and

WHEREAS the term "manufactured home" has been defined by the Texas Revised Statutes;

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MAGNOLIA, TEXAS, AS FOLLOWS:

SECTION 1. Ordinance No. 190 is amended as follows:

- (a) The prohibition against the movement or transportation of a manufactured home within the City Of Magnolia, Texas, without a municipal permit, bond, fee, or license, is hereby repealed;
- (b) All other restrictions, regulations and permit provisions of Ordinance No. 190, as amended, shall remain in full force and effect;

SECTION 2 *Definitions.* For the purpose of this Ordinance and Ordinance No. 190, the following definitions shall apply:

- (a) The term "*manufactured home*" or "*manufactured house*" shall mean the following:
 - (1) a residential structure designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site. The term shall not include any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location;
 - (2) a commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building; or

(3) a HUD-code manufactured home or a mobile home constructed after June 15, 1976 according to the rules of the United States Department Of Housing and Urban Development. The term(s) shall also include the chassis system or returnable undercarriage used for the transportation of a manufactured house and a transportable section of a manufactured house that is transported on a chassis system or returnable undercarriage and that is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for a motor vehicle.


(b) *Definition.* The term "modular component" means a structural portion of any dwelling or building that is constructed at a location other than the homesite in such a manner that is construction cannot be adequately inspected for code compliance without damage or without removal of a party thereof and reconstruction.

SECTION 3. The effective date of this amendment to Ordinance No. 190 is the date of passage by the City Council, except that no penalty or fine for failure to pay the permit fee for the transportation of a manufactured home shall be imposed on any person regardless of the effective date of this amendment.

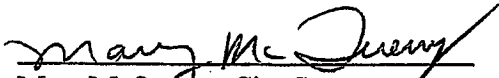
PASSED AND ADOPTED on the first reading by City Council on this ____ day of ____
_____, 2000.

Councilwoman Ogden
Councilman Mattern
Councilwoman Cloyd
Councilwoman Clapp
Councilman Smith

AYE
AYE
AYE
AYE
AYE


John Bramlett, Mayor

ATTEST:


Mary McQuerry, City Secretary
City Of Magnolia, Texas

AN ORDINANCE REQUIRING PERMITS FOR THE MOVING OF BUILDINGS OR OTHER STRUCTURES WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; PROVIDING FOR A FEE FOR SUCH PERMIT; PROVIDING THAT ANY SUCH PERSON MOVING SUCH BUILDING AND/OR STRUCTURE FURNISH PERFORMANCE BONDS OR EVIDENCE OF INSURANCE; PROVIDING FOR PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

Whereas, the transporting of buildings or other structures within the City of Magnolia, Texas is inherently dangerous; and

Whereas, the residents of the City of Magnolia, Texas desire that the transporting of buildings or other structures within the City of Magnolia, Texas be performed at reasonable hours that minimize the danger and traffic disruption to the City; and

The City Council of the City of Magnolia, Texas desires that minimum levels of safety and insurability be met to protect the citizenry of the City of Magnolia, Texas; now, therefore,

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

SECTION 1. It shall be unlawful for any person, firm, corporation, or other entity to move or transport, or to cause to be moved or transported, any building or other structure on, along, across or through the streets, roads, or highways of the City of Magnolia, Montgomery County, Texas, unless and until such person, firm, corporation, or other entity shall have first complied with the provisions of this Ordinance.

SECTION 2. No building or other structure shall be moved or transported on, along, across or through any public road, street or highway within the City of Magnolia, Texas, unless and until the person, firm, corporation or other entity engaged in moving or transporting such building or other structure shall have secured from the City Secretary of the City of Magnolia, Texas, a permit to so move or transport such building or other structure. No permit shall be granted to any applicant to move or transport any building or other structure on, along, through or across any public street, road or highway within the said City of Magnolia, Texas, unless and until the Magnolia Police Department shall have specified the times and days during which such moving or transporting may be performed, with care given to times and routes least disruptive to the safety and

welfare of the residents of the City; a duly authorized and certified peace officer of the State of Texas must accompany the building or other structure through the City of Magnolia, Texas.

SECTION 3. The fee for a permit issued pursuant to this Ordinance shall be twenty five dollars (\$25.00), and no permit shall issue until such time as the fee has been paid.

SECTION 4. No permit shall issue until the City of Magnolia, Texas receives evidence of insurance (or a performance bond given by a corporate surety) in the minimum amounts of \$1,000,000.00, insuring the movers and/or owners of the building or other structure being moved against all claims for property damage, personal injuries or death arising out of the acts of the mover, owner or both. Evidence of insurance or the performance bond shall provide for the indemnification to the City of Magnolia, Texas and its governing body against any property damage, personal injury or death caused by moving the building or other structure through the City of Magnolia, Texas.

SECTION 5. The owner of any building or other structure moved into the City of Magnolia, Texas, under this Ordinance shall insure that all buildings or other structures comply with all local Building, Electrical and Plumbing Ordinances within 90 days from the date the building or other structure is removed from its transport vehicle or the moving permit is issued, whichever is later.

SECTION 6. No building or other structure, on a transport vehicle or trailer, being transported shall be allowed to remain on the streets or alleys of the City of Magnolia, Texas for more than 48 hours.

SECTION 7. The term building or other structure shall be construed to mean any building or other structure containing more than one hundred forty-four (144) square feet of floor space, or, being more than ten (10) feet wide at the widest portion of such building.

SECTION 8. Whosoever shall violate any provision or part of this Ordinance shall be guilty of a Class "C" misdemeanor, and shall, upon conviction, be fined up to but not greater than \$500.00. Any person found guilty of this Ordinance for a second time shall be fined no less than \$100.00. Any person found guilty of this Ordinance for a third or more time shall be fine no less than \$250.00.

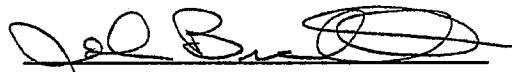
SECTION 9. If any section, subsection, sentence, clause, provision or part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected but shall remain in full force and effect.

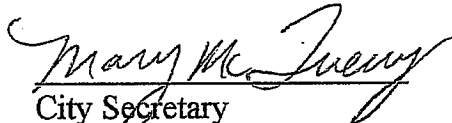
SECTION 10. Upon the passage and adoption of this Ordinance, Ordinance 36 is repealed. This Ordinance shall be effective when the same shall have been published in the manner and for the time provided by the Statutes of the State of Texas.

PASSED AND ADOPTED ON ITS FIRST READING ON THE 12TH DAY OF OCTOBER, 1993.

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|--------------------|---------------|
| Councilwoman Ogden | <u>AYE</u> |
| Councilman Timmins | <u>AYE</u> |
| Councilman Smith | <u>AYE</u> |
| Councilwoman Cloyd | <u>AYE</u> |
| Councilman Chumley | <u>ABSENT</u> |

ATTEST:


John Bramlett, Mayor


City Secretary

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally
appeared Jane Littlefield who on her oath stated:

ORDINANCE NO.190

An ordinance requiring permits for the moving of buildings or other structures within the
City of Magnolia, Montgomery County, Texas;

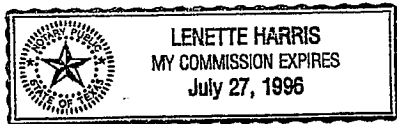
I am the accountant of the POTPOURRI NEWS a newspaper published
in Montgomery County, Texas and know the facts stated in this affidavit.
The attached matter is a true and correct copy of the publication of the
citation of which it purports to be a copy, as the same appeared in such
newspaper in the respective issues of:

_____, October 20 _____, 1993

_____, 1993

Jane Littlefield

Subscribed and sworn to this 20th day of October, 1993



Lenette Harris

Notary Public, Montgomery County, Texas

REAL ESTATE

AAA PROPERTIES 31931 SH 249

LAND AND COMMERCIAL

COMMERCIAL BUILDING ON TWO ACRES! \$100,000.
WOODED FIVE ACRES TRACT two miles west of Magnolia
 \$15,000 owner finance... but... cash talks.
DOGWOOD HILLS, approximately 2-1/2 acre tract mobile ready
 \$1,000 down... owner terms!
MOBILE LOTS AND BUILDING SITES in wooded country sub-
 divisions as little as \$200 down! Owner finance!
CALL LLOYD FOR ANY AND ALL LAND NEEDS!
356-2555

SILVERADO RANCHES
October Special

- 14 Tracts remaining from 2 to 10 acres
- Riding trails, equestrian facilities, rodeo arena & training pens
- Good restrictions • Owner finance

SOUTHWEST PROPERTIES
367-5236

"MORTGAGE COMMITMENT IN 1 HOUR"

WHY WAIT FOR A MORTGAGE DECISION?

"I WILL GIVE YOU A MORTGAGE DECISION IN WRITING IN ONLY 1 HOUR"

"NO GAMES, NO WAITING, A DECISION IN 1 HOUR"

"LET ME SHOW YOU HOW MUCH HOME YOU CAN AFFORD" (PROBABLY MORE THAN YOU THINK!)

CALL FOR A CONFIDENTIAL APPOINTMENT

RON PITZENBERGER

CITY CAPITAL MORTGAGE COMPANY **537-6900**
 Ask for Ron

S.O.S.

Is OPEN on Saturday from 10:00 - 4:00

For resale & to receive your donations.

For more info, please call Judy at 259-0989

Please do not leave items unless a volunteer is available to help you.

RENT/LEASE

For Rent: mobile home, quiet, shady lot. No pets. "Free" satellite TV, garbage, pick-up, water. (409)372-9414.

For lease: 1 & 2 bedroom mobile homes, off FM 1488 & Fieldstone Road, Waller. Free water, yard lights, garbage. No pets. 409-372-2002.

600 square feet garage apartment with separate kitchen and bath, private entrance and 400 square feet sundeck, quiet wooded neighborhood. For individuals only. Jones Road @ 1960. \$350/month 735-8557.

For Rent: One large bedroom private bath and entrance, also use of kitchen. Prefer older male. 7 miles Tomball. Lou Beaver 259-7473.

For lease: Nice 2 bedroom/1 bath mobile home (970 square foot) in a family oriented, restricted subdivision, fenced yard, trees, central heat and A/C, lots of extras \$500/month plus \$450 deposit. 356-7517.

ADVERTISING DOESN'T COST IT PAYS!

LEGAL

ORDINANCE NO. 190

An ordinance requiring permits for the moving of buildings or other structures within the City of Magnolia, Montgomery County, Texas; providing for a fee for such building and/or structure, furnish performance bonds or evidence of insurance; providing for penalties for violations of said ordinance. Whosoever shall violate any provision or part of this ordinance shall be guilty of a Class "C" misdemeanor and shall, upon conviction, be fined up to but not greater than \$500.00.

Passed and adopted on its first reading on the 12th day of October, 1993.