

ORDINANCE NO. 317

AN ORDINANCE AMENDING CITY OF MAGNOLIA, TEXAS, ORDINANCE NO. 222, AS AMENDED, ORIGINALLY PASSED AND APPROVED THE 5<sup>TH</sup> DAY OF MARCH, 1996, AND BEING AN ORDINANCE REGULATING MOBILE HOMES, MANUFACTURED HOMES, AND MOBILE HOME PARKS WITHIN THE CITY, BY DELETING SECTIONS 13 AND 14 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 13 AND 14, AND BY DELETING THE LAST PARAGRAPH OF SECTION 20 THEREOF AND SUBSTITUTING THEREFOR A NEW LAST PARAGRAPH OF SECTION 20; PROVIDING IT UNLAWFUL TO PLACE OR ERECT A MANUFACTURED HOME WITHIN THE CITY EXCEPT WITHIN A LICENSED MOBILE HOME PARK; PROVIDING CERTAIN EXCEPTIONS; PROVIDING A PENALTY OF AN AMOUNT NO TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

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

**Section 1.** City of Magnolia, Texas, Ordinance No. 222, as amended, originally passed and approved the 5<sup>th</sup> day of March, 1996, and being an ordinance regulating mobile homes, manufactured homes, and mobile home parks within the City, is hereby amended by deleting Sections 13 and 14 thereof and substituting therefor new Sections 13 and 14 to provide as follows:

**"Section 13. Manufactured Homes outside Manufactured Home Parks Prohibited; General Rule.**

Except as otherwise specifically provided herein, it shall be unlawful for any person to place, park, or occupy a mobile home or a manufactured home within the City of Magnolia except within a duly licensed Mobile Home Park.

**Section 14. Exceptions.**

The provisions of Section 13 above shall not apply to the following:

1. Manufactured homes upon lots or tracts of land where such homes are manufactured or sold, and where no person occupies same as dwelling or sleeping places;

2. Mobile homes or manufactured homes used as temporary construction offices during construction only, and where no person occupies same as dwelling or sleeping places.

3. Manufactured homes temporarily placed upon lots or tracts of land for sales and display purposes only, and where no person occupies same as dwelling or sleeping places;

4. A mobile home or manufactured home which has been located upon the same lot, tract or parcel of land continuously since March 12, 1996;

5. A manufactured home which replaces a mobile home or a manufactured home which has been located upon the same lot, tract or parcel of land continuously since March 12, 1996; and

6. Manufactured homes that bear a length to width ratio of not more than three to one (3/1), and are permanently attached to real property as described in Article 5221F, Section 19A(a), Texas Revised Civil Statutes, as amended."

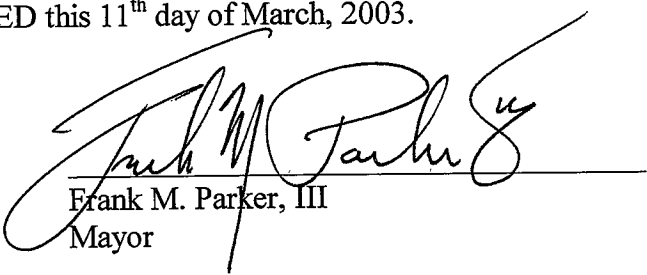
Section 2. Said City of Magnolia, Texas, Ordinance No. 222 is hereby further amended by deleting the last paragraph of Section 20 thereof and substituting therefor a new last paragraph to provide as follows:

"Mobile homes and manufactured homes which have been continuously located within the City since March 12, 1996, are hereby exempt from the permitting or location requirements of this ordinance. For the purposes of this Section, a mobile home or a manufactured home shall be deemed to have been "continuously located" within the City if it has continuously been (i) physically occupying the same space, (ii) used as a residence, (iii) connected to a permanent source of potable water, (iv) equipped with a septic system or connected to an approved public or private sanitary sewer system, and (v) receiving electric utility service from a certified electric utility provider. No mobile home shall be replaced with a mobile home, but may be replaced with a manufactured home as otherwise authorized in Section 14 of this Ordinance."

Section 3. 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.

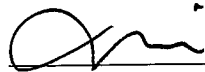
Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this 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 be one or more parts.

PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of March, 2003.



Frank M. Parker, III  
Mayor

ATTEST:



Jane H. Miller  
City Secretary