

ORDINANCE NO. 321

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 MANUFACTURED HOME PARKS WITHIN THE CITY, BY DELETING FROM SECTION 1 THEREOF THE DEFINITIONS FOR "MOBILE HOME SPACE" AND "PARK", BY DELETING SECTIONS 4, 7, 7a, 16, AND 17 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 4 AND 7, AND BY DELETING THROUGHOUT THE ENTIRE ORDINANCE THE TERM "MOBILE HOME PARK" AND SUBSTITUTING THEREFOR THE TERM "MANUFACTURED HOME PARK; PROVIDING STANDARDS FOR THE DEVELOPMENT OF MANUFACTURED HOME PARKS; 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 from Section 1 thereof the definitions for "Mobile Home Space" and "Park".

Section 2. Said City of Magnolia, Texas, Ordinance No. 222 is hereby further amended by deleting Section 4 thereof and substituting therefor a new Section 4 to provide as follows:

"Section 4. Permit Fees. A non-refundable permit application fee shall accompany each application for a manufactured home park permit, in the amount of two thousand five hundred dollars (\$2,500.00). Such permit application fee shall apply only to permit application review and plat review for the manufactured home park. Such fee shall be in addition to any and all building and other permit fees applicable to construction within the manufactured home park."

Section 3. Said City of Magnolia, Texas, Ordinance No. 222 is hereby further amended by deleting Section 7 thereof and substituting therefor a new Section 7 to provide as follows:

**"Section 7. Manufactured Home Park Plan.**

Each manufactured home park shall comply with the following requirements:

1. Drainage. Storm water drainage for manufactured home parks shall comply with applicable provisions of the City's flood damage prevention regulations, subdivision regulations, and other ordinances of the City.

2. Set-backs. No manufactured home, or any portion thereof, shall be placed nearer than twenty-five feet (25') from the front lot line, or ten feet (10') from any side or rear lot line, of the lot upon which the manufactured home is located. For the purposes hereof, the front lot line shall mean the boundary of the street right-of-way which adjoins the lot, and from which the lot receives access.

3. Lot size/density. No manufactured home shall be placed on a lot which contains less than four thousand (4,000) square feet, nor shall any manufactured home park contain more than six (6) manufactured home lots per acre. For purposes of calculating maximum density, the entire area within the park boundaries shall be included.

4. Streets. Streets, whether public or private, shall comply with street construction standards required by the City for residential subdivisions. Each lot within a manufactured home park shall have frontage on a public street or an approved private street.

5. Off-street parking. Each lot within a manufactured home park shall be provided with not less than two paved off street parking spaces.

6. Driveways. Each lot within a manufactured home park shall be provided with an unobstructed paved driveway, not less than fifteen feet (15') in width, extending from the manufactured home pad to the adjacent street.

7. Potable water supply/Sanitary sewer. Service to the City's potable water and sanitary sewer system shall be provided to each lot within a manufactured home park. No private water wells or septic systems shall be allowed. Taps and connections to such systems shall comply with applicable rules and regulations of the City.

8. Underground utilities. Public utility transmission facilities, including but not limited to natural gas, electric, telephone, cable television, water and wastewater, shall be placed underground throughout manufactured home parks, and shall comply with all applicable requirements of the City. Metering devices shall be permanently installed in locations accessible from adjacent streets.

9. Manufactured Home Park Area. Initial development of any manufactured home park shall not be less than five (5) acres, fully improved with serviced spaces. All site plans and plats shall define the initial development area.

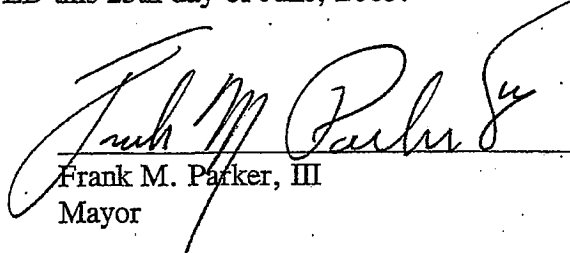
10. Recreation Area. Each manufactured home park shall be provided with a recreation area, containing not less than five hundred (500) square feet multiplied by the number of lots within the manufactured home park. Such park shall be maintained by the owner/owners of the manufactured home park, unless maintenance obligations therefor are assigned to the grantees of lots within the manufactured home park, as evidenced by covenants contained in deeds therefor. Such recreation area shall be a private amenity of the manufactured home park, and shall not be deemed as part of the City's public park system.

Section 4. Said City of Magnolia, Texas, Ordinance No. 222 is hereby further amended by deleting therefrom Sections 7a, 16 and 17. . . .

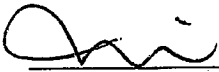
Section 5. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 6. 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 25th day of June, 2003.

  
Frank M. Parker, III  
Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read 'JH Miller', is written over a horizontal line.

Jane H. Miller  
City Secretary

## AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Denny O'Brien who on his oath stated:

### CITY OF MAGNOLIA ORDINANCE 321

An Ordinance amending City of Magnolia, Texas, Ordinance No. 222, as amended, originally passed and approved the 5th day of March, 1996, and being an Ordinance Regulating MOBILE HOMES, Manufactured Homes, and Manufactured Home Parks within the city, by deleting from Section 1 thereof the definitions for "Mobile Home Space" and "Park", by deleting Sections 4, 7, 7a, 16 and 17 thereof and substituting therefor new sections 4 and 7, and by deleting throughout the entire ordinance, the term "Mobile Home Park" and substituting therefor the term "Manufactured Home Park"; providing standards for the development of manufactured home parks; providing certain EXCEPTIONS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

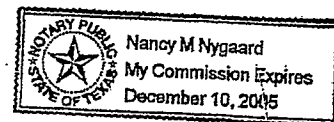
I am the Editor of the Tomball Magnolia Tribune, a newspaper published in Montgomery County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in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

7-7, 2003

\_\_\_\_\_, 2003

\_\_\_\_\_  
Denny O'Brien, Editor

Subscribed and sworn to this 8th day of July, 2003



## **Ordinance No. 222**

AN ORDINANCE PROVIDING FOR MINIMUM STANDARDS FOR MOBILE HOME PARKS; ESTABLISHING PROCEDURES AND FEES FOR THE ISSUANCE OF A MOBILE HOME PARK PERMIT; REGULATING THE LOCATION OF MOBILE HOMES/MANUFACTURED HOMES AND MOBILE HOME PARKS; ESTABLISHING RULES AND REGULATIONS OF MOBILE HOME PARKS AND RELATED UTILITIES AND FACILITIES; AUTHORIZING INSPECTION AND REVOCATION OF PERMITS; PROVIDING FOR APPEALS WHERE PERMIT DENIED; PROVIDING FOR PENALTIES, PROVIDING A SAVINGS CLAUSE AND REPEALING ALL ORDINANCES IN CONFLICT.

**Be it ordained by the City Council of the City of Magnolia, Texas:**

### **Section 1. Definitions**

As used in this Ordinance, the following terms have the following meanings:

"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.

"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 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.

"Mobile Home Park" means any plot of ground upon which two or more Manufactured Homes or Hud-Code Manufactured Homes intended or occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation and regardless of whether the plot of ground is the

property of the manufactured home owner or is being leased from a mobile home park owner.

"Mobile Home Space" means a plot of ground within a Mobile Home Park designed for the accommodation of One Manufactured Home and shall be no less than 10,000 (ten thousand) square feet of contiguous open space.

"Natural or Artificial Barrier" means a fence of at least eight feet in height and designed in such a manner so as to provide an obstruction to view.

"Ordinance" means Ordinance 222 unless the context dictates otherwise.

"City" means the City of Magnolia, Texas.

"Park" means Mobile Home Park.

"Person" means any natural individual, firm, trust, partnership, association or corporation.

## **Section 2. Purpose and Intent of Ordinance.**

The purpose and intent of this Ordinance is:

1. To provide certain minimum standards, provisions and requirements for safe, sanitary, and suitable methods of construction and operation of present and future mobile home parks within the City.
2. To insure that mobile home parks shall not become a menace to public health, morals, safety, or welfare.
3. To insure that mobile home parks are not a source of itinerant types and those who would foster a constant source of crime within the City.
4. To provide proper locations, sanitary and healthful conditions and facilities for manufactured home units.
5. To insure that those who reside in mobile home parks are provided with accessibility to all those services of the City as any other resident would be provided.
6. To insure that the owners of mobile home parks provide a minimum basic standard of living to those residing within the confines of such park.

### **Section 3. Permits Required.**

It shall be unlawful for any person to maintain or operate within the city limits of the City of Magnolia, Texas any mobile home park without first obtaining a permit. No City services shall be provided to any park until such time as a permit is obtained, required fees are paid, and every aspect of this Ordinance is complied with.

### **Section 4. Permit Fees.**

The annual non-refundable permit fee for each mobile home park shall be two thousand five hundred dollars (\$2,500.00) plus fifty dollars (\$100.00) for each manufactured home space available for use in the mobile home park. The non-refundable permit fee shall be due and payable upon the initial application for permit and on the first business day following January 1 each year thereafter. A \$50.00 per day late charge shall be assessed for non-compliance with this section. No City services shall be provided to the mobile home park until such time as all fees are paid and all aspects of this Ordinance are complied with.

### **Section 5. Application for Permit.**

Applications for a mobile home park permit shall be filed with the city secretary. The city secretary shall present the application to the City Council for its consideration, and upon approval, the city secretary shall issue the permit. No application shall be considered without the payment of required fees. Applications shall be in writing, signed by the applicant, and shall contain the following:

1. The name and address of the applicant.
2. The location and legal description of the mobile home park.
3. A complete plan of the park showing compliance with section 7 of this Ordinance.
4. Plans and specifications of all buildings and other improvements constructed, or to be constructed within the mobile home park.
5. Such further information as may be requested by the City Council to enable it to determine if the mobile home park will comply with the legal requirements.



6. A preliminary plat as defined by Section 5a of this Ordinance.
7. A final plat as defined by Section 5b of this Ordinance.
8. A copy of the rules and regulations or deed restrictions as required by Section 11 of this Ordinance.

#### **Section 5a. Preliminary Plat**

A preliminary plat of any proposed mobile home park, prepared by a registered engineer or a registered public surveyor and bearing his seal shall be submitted to the city secretary for approval before the mobile home park owner proceeds with the submission of his final plat for approval by the City Council.

1. The preliminary plat shall be drawn to a scale of two hundred feet to the inch or larger.
2. The existing lines of the mobile home park shall be drawn heavy for easy identification on the plat.
3. The location of existing water courses, railroads, and other similar drainage and transportation features shall be identified on the plat.
4. The location and width of existing streets, alleys, easements, buildings and structures shall be identified on the plat.
5. Topographic information with contour lines at five foot intervals shall be identified on the plat.
6. The name and property lines of adjoining property owners shall be identified on the plat.
7. The name and location of adjacent subdivisions, streets, easements, pipelines, water courses, etc. shall be identified on the plat.
8. The proposed name of the mobile home park shall be on the plat.
9. The location, width, and names of the proposed streets shall be on the plat.
10. The plat shall show the width and depth of all lots within the mobile home park.

11. The location of building lines, alleys, and easements shall be on the plat.

12. The location and approximate size of sites for schools, churches, parks and other special land use shall be identified on the plat.

13. The acreage of the proposed mobile home park shall be on the plat.

The application and all accompanying plans and specifications shall be filed in triplicate. The City, or its duly-appointed agent, shall investigate the applicant and inspect the proposed plans and specifications, and make their recommendations thereon. The mobile home park will be in compliance with all provisions of this Ordinance and all other applicable ordinances or statutes. The City Council may approve the application contingent upon the completion of the park according to plans and specifications submitted with the application.

The City Council shall approve, conditionally approve or disapprove within thirty days any preliminary plat submitted to it. Approval of the preliminary plat shall not constitute final acceptance of the final plat. Failure to act within thirty days of the regularly scheduled meeting at which the plat would have been presented shall constitute preliminary approval by the City Council unless additional time is requested from the mobile home park owner. Reasons for the disapproval or conditional approval shall be put in writing, attached to one copy of the plat and returned to the person submitting the plat. Preliminary approval will expire six months after the approval of the City Council of the preliminary plat or of final sections thereof.

#### **Section 5b. Final Plat.**

After approval of a preliminary plat by the City Council, a final plat, prepared by a registered engineer or a registered public surveyor, and bearing his seal, shall be submitted to the City Council by filing the same with the city secretary. Such plat shall have all changes and alterations made on it that were required on the plat previously submitted to the City Council.

All final plats shall be drawn in India Ink on tracing cloth sheets of 24 inches by 30 inches and to a scale of one inch equals one hundred feet.

The final plat shall include all information required for the preliminary plat as listed in Sectioned 5a of this Ordinance. Additionally, the final plat shall contain the following information:

1. All streets shall contain curve data shown on the center line or on each side of the street. Length and bearing of all tangents shall be included as well as the dimension from all angles, points and points of curve to an adjacent side lot line.

2. Water courses and easements shall show distances along the side lot line from the front lot line or the high bank of streams. Traverse lines will be provided along the edge of all large water courses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

3. Easements shall be shown with the name of the holder of the easement identified on the final plat, as well as the length and bearing of the easement.

4. The lines and number of all proposed lots and blocks with complete bearings and dimensions for front, rear, and side lot lines.

5. Building lines shall be shown on all lots.

6. The description and location of all permanent survey monuments and control points.

7. Suitable primary control points to which all dimensions, bearings, and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.

8. Two sets of plans and specifications for water, sewer, paving, and drainage prepared by a registered engineer must be submitted with the final plat.

9. A receipt showing that all taxes have been paid is to be submitted concurrent with the final plat.

Final approval will expire one year after City Council action granting approval of any final plat.

#### **Section 6. Park Owners to Furnish City Secretary Certain Information.**

All owners of mobile home parks shall keep and maintain a register and within five days after a manufactured home has been located in said mobile home park, furnish to the city secretary the name of said owner, date of arrival, make, model, and year of the manufactured home, license number, the state issuing the

license, location of the manufactured home in the park, and departure date, if known.

### **Section 7. Park Plan.**

The mobile home park shall conform to the following requirements:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

2. Manufactured home spaces shall be located on a minimum of 10,000 square feet of open space.

3. All manufactured home spaces shall abut upon a driveway of not less than thirty feet in width which shall have unobstructed access to a public street, alley, or highway.

4. A minimum of two vehicular parking spaces for each manufactured home shall be provided for each manufactured home space.

5. No manufactured home shall be placed within twenty-five feet of the curb or street boundary line of a lot or parcel of land, nor within ten feet of the side or back street or property line.

6. No mobile home shall be allowed to stay in the park. Only manufactured housing and/or homes or HUD-Code manufactured homes shall be allowed into the park.

7. No manufactured home shall house any more than one family. Manufactured homes shall only be used for residential purposes.

8. Any manufactured home that stays more than 48 hours in any park shall be properly skirted. Further, the manufactured home shall be properly supported, blocked, leveled, secured and anchored. All installations of manufactured housing in any park shall be in accordance with the rules and regulations of the Texas Department of Labor and Standards in force and effect at the time of installation. No manufactured home shall be placed into any park within the City of Magnolia for a period in excess of 5 days without having first obtained a permit. No park owner shall allow any manufactured home to stay more than 5 days (pursuant to Section 20 of this Ordinance) within the confines of said park without a permit from the city secretary. The cost of said permit shall be \$250.00, and no permit shall issue without the proper payment of all fees specified herein.

9. All telephone lines and electric lines to any manufactured home shall be underground within the park.

10. All manufactured home spaces shall be made ready to receive city water and sewer service. No septic systems or private water wells shall be allowed within the confines of said park. However, no city service for any water or sanitary sewer service shall be provided until such time as the manufactured home owner shall pay all fees required by this Ordinance and any fees associated with an application for city water and sanitary sewer service. Each manufactured home space shall be provided with a sewer riser pipe of a minimum of four inches. Individual sewer and water connections shall conform to the City's plumbing code in existence at the time the connection is made.

11. All parks shall have a business office, which shall be open a minimum of forty (40) hours per week, unless such week shall have a federally recognized holiday.

12. All parks shall have a common area of a minimum of 10,000 square feet that shall provide a playground for children. Said playground shall include, as a minimum, one swing-set, one jungle gym, and one merry-go-round. The City shall never be liable for any injuries sustained by any person on any piece of playground equipment. To effect this requirement, the park owner shall secure, at his or her sole expense, a liability insurance policy of no less than one million dollars that also names the City as an additional insured. A commitment of insurance shall be shown the City Council before any permit shall issue according to the terms of this Ordinance.

13. The park shall provide fire hydrants and fire extinguishers pursuant to Section 19 of this Ordinance. A minimum of one hydrant per 10 manufactured home spaces shall be provided.

14. All streets shall be curbed and guttered. All streets shall be paved within the confines of said park.

15. Each park shall be surrounded by a natural or artificial barrier.

16. A copy of the park's rules and regulations or deed restrictions pursuant to Section 11 of this Ordinance.

#### **Section 7a. General Requirements and Design Standards.**

All streets within the proposed mobile home park shall conform to those requirements as found within City Ordinance 74, Section 5.01, "Streets", as amended from time to time, which may be obtained from the city secretary, and those regulations of Montgomery County found in Rules, Regulations and Requirements Relating to the Approval of Improvements in Subdivisions or Re-Subdivisions. All streets will be constructed in accordance with the current minimum standards adopted by the Commissioner's Court of Montgomery County, Texas. Where conflict exists, the standards of Montgomery County will control.

All drainage and storm sewers within the proposed mobile home park shall conform to those requirements as found within City Ordinance 74, Section 6.04, "Drainage and Storm Sewers", and Section 6.05, "Sewer System", as both are amended from time to time, and those regulations of Montgomery County found in Rules, Regulations and Requirements Relating to the Approval of Improvements in Subdivisions or Re-Subdivisions. Where conflict exists, the standards of Montgomery County will control.

#### **Section 8. Distance from Permanent Residential Buildings.**

Each boundary of the park must be at least two hundred feet from any permanent residential building located outside the park.

#### **Section 9. Maintenance.**

Every person owning or operating a mobile home park shall maintain such park and any facilities, fixtures, and permanent equipment in connection therewith in a clean and sanitary condition and shall keep and maintain said equipment in a state of good repair.

#### **Section 10. Office Building.**

Each park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management and supervision of the park, as well as rules and regulations of the park, and such records, rules and regulations of the park, to be available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein.

### **Section 11. Rules and Regulations for Park or Deed Restrictions.**

It shall be the duty of the owner, his agent, representative or manager to prescribe rules and regulations or deed restrictions for management of the park; to make adequate provisions for the enforcement of such rules or restrictions; and to subscribe to any and all subsequent rules, regulations or deed restrictions which may be adopted for the management of such park. Copies of all such rules and regulations or restrictions shall be furnished to the city secretary. In addition thereto, it shall be the duty of the owner, his agent, representative or manager to comply with the following:

1. Provide for regular inspection of water and sanitary conveniences.
2. Provide for the collection and removal of garbage and other waste material.
3. Prohibit the placing or storage of unsightly material or vehicles of any kind.
4. Provide for the regular cleaning, painting, repairing, exterminating and disinfecting of all units as needed.
5. Take such other measures as may be deemed to be necessary by the City to preserve the health, comfort, and safety of all persons residing in the park and the general public.
6. Notify all persons when locating a manufactured home in their mobile home park that within five days from said date the City requires a permit to be obtained upon the manufactured home, as provided by this Ordinance. It shall be the duty of the owner, his agent, or representative, to inform all persons locating a manufactured home within the park that the City does not allow mobile homes within the corporate City limits.
7. Provide in all leasing arrangements that the owner of the park, his agent, or representative may remove a mobile home from the park and remove it from the limits of the City.
8. Report immediately to the police department of the City any act of disorderly conduct committed by any person inside the park.
9. Keep all areas of the park in a neat, and trimmed sanitary manner.

10. Abate all nuisances, as defined by existing City Ordinances.

**Section 12. Management of Park.**

Each park shall be under the direct management of the owner or his agent or representative, for whose acts they shall be fully responsible. The name of the person entrusted with the direct management of a park shall be filed for reference with the city secretary. Such person or persons must satisfy the City Council of their experience and capacity to supervise, manage, regulate and control the park and maintain good sanitary conditions in and about the park.

**Section 13. Manufactured Homes Owned and Operated Outside Park Area.**

It shall be unlawful for any person to own and maintain a mobile home within the City of Magnolia, Texas.

It shall be unlawful for any person to own, rent or maintain a manufactured home in any place in the City of Magnolia, Texas except in a duly licensed and lawful mobile home park.

No person may park a mobile home within the city limits of the City for any period in excess of 24 hours.

**Section 14. Exceptions.**

The provisions of this Ordinance shall not apply to:

1. Mobile homes or manufactured homes parked upon a lot where homes are manufactured or sold and where no person occupies such mobile home as a dwelling or sleeping place.

2. Mobile homes or manufactured homes temporarily parked upon a lot as a temporary construction office and where no person occupies such structure as dwelling or sleeping place.

3. Mobile homes or manufactured homes temporarily parked upon a lot or tract of land for sales and display purposes and where no person occupies same as a dwelling or sleeping place.

4. The exceptions as defined in Section 20 of this Ordinance.



#### **Section 15. Additional Construction; Exception.**

It shall be unlawful for any person operating a mobile home park or occupying a manufactured home to construct or permit to be constructed in such park or in connection with such manufactured home any additional structure, building or shelter in connection with or attached to a manufactured home, unless a building permit be secured from the City in compliance with the City Ordinance on building permits; except, however, awnings of canvas or metal, of suitable construction may be attached to said manufactured homes.

#### **Section 16. Water Supply.**

An adequate supply of water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Each manufactured home space shall be provided with a cold water tap conveniently located.

**The City shall be under no obligation to provide anyone not in compliance with this Ordinance any water, and unpermitted manufactured homes or mobile home parks shall not be provided water.**

No private water wells shall be allowed in any park.

#### **Section 17. Sewage and Refuse Disposal.**

Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service within the mobile home shall be discharged into the City sewer system. No private septic system shall be allowed in any mobile home park.

**The City shall be under no obligation to provide anyone not in compliance with this Ordinance any sanitary sewer service, and unpermitted manufactured homes or mobile home parks shall not be provided sanitary sewer service.**

#### **Section 18. Garbage Receptacles.**

Tightly covered metal or other approved similar type garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred feet from any manufactured home space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and not allowed to accumulate nor

become a nuisance or pose a threat to the health of residents, and shall be disposed of a minimum of twice per week to insure that the garbage cans shall not overflow.

#### **Section 19. Fire Protection.**

Every park shall be equipped at all times with one suitable fire extinguisher in good working order and currently charged for every two manufactured home spaces; no fire extinguisher shall be further than one hundred feet from each manufactured home space.

No open fires shall be permitted at any place within the mobile home park.

As part of the park development, the developer, owner or agent as the case may be, shall provide a minimum of one fire hydrant per ten manufactured home spaces within the park. The hydrants shall be tied into the City water system.

#### **Section 20. Permits for Manufactured Homes.**

On and after March 12, 1996, no manufactured home may occupy a space in any mobile home park without obtaining a permit from the City.

The owner of the manufactured home shall be allowed five calendar days from the date the manufactured home first occupies space within the mobile home park to apply for said permit.

On and after March 12, 1996, the cost of a permit for a manufactured home shall be two hundred fifty dollars (\$250.00), which shall be permanent, and which shall be paid within 5 days of occupying a space within a mobile home park. No mobile home may acquire a permit. No manufactured home without a permit may receive city supplied water or sanitary service or natural gas. A late charge will be assessed of \$50.00 per day for non-compliance with this section.

The permit shall be displayed upon the right front corner of the manufactured home at all times it is in effect.

The application for permit shall contain the name of the manufactured home owner, his or her address, a description of the manufactured home as to make, model, size, and serial number, and any other information required by the City.

All mobile homes or manufactured homes located within the City of Magnolia, Texas on or before March 12, 1996 are hereby exempt from any permit requirement or location requirement imposed by this Ordinance. "Located", as

used herein, means physically occupying a space, used as a residence, be receiving water from some source, equipped for septic service or sanitary sewer service of some kind, and be receiving electric service. This exemption shall apply only to the space occupied on or before March 12, 1996. Any subsequent moving of the exempted mobile home or manufactured home that requires reconnecting any utility service will void the exemption. This exemption further applies to only the mobile home or manufactured home in existence on or before March 12, 1996. No mobile home may be replaced by anything other than a manufactured home. All replacement manufactured homes must be relocated to a mobile home park.

#### **Section 21. Register of Occupants and Inspection.**

It shall be the duty of the owner of the park, his agent or representative to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

1. The name and address of each occupant.
2. The make, model, and year of all manufactured homes within the park.
3. The license number and owner of each manufactured home and automobile, if any, by which it is towed.
4. The state issuing any licenses required to be reported herein.
5. The date of arrival and of departure of each manufactured home.

The owner of the park, his agent or representative shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration.

#### **Section 22. Supervision.**

A responsible attendant or caretaker, owner or operator shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the City, for any violation of the provisions of this Ordinance.

### **Section 23. Public Inspection, Revocation or Suspension of Permit.**

Authorized representatives of the City shall be permitted access to the park, the street, utilities and connections for the purposes of health, safety, taxation and public works, when performing City business and for inspection purposes, as a condition of permit issuance.

Upon inspection, if it shall be found that the permit holder has violated any provision of this Ordinance, or any provision of any other City Ordinance the City shall have the power to revoke or suspend any permit and notify the holder of such permit of the violation and the suspension of the permit. Unless such violation or violations have been corrected within ten days from such notice, the City or the city secretary shall have the power to revoke the permit.

### **Section 24. City Council Appeal.**

Any person aggrieved may appeal any decision, any denial of a permit, revocation or suspension of permit or any fine levied in connection with this Ordinance to the City Council of the City of Magnolia, Texas. An appeal must be filed within 10 days of the action complained about with the city secretary.

The City Council shall hear the matter within 20 days of the date the appeal is filed, and after hearing, take action, its action being final.

### **Section 25. Penalty for Violations.**

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 26. Savings Clause.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council, in adopting this Ordinance, that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this Ordinance.

**Section 27. Repealing Clause.**

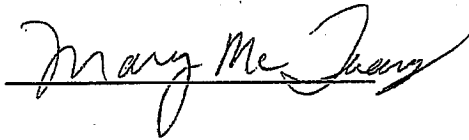
Any Ordinance in conflict herewith is expressly repealed.

PASSED AND ADOPTED ON ITS FIRST READING ON THE 5TH DAY OF  
MARCH, 1996.

Councilwoman Ogden	Aye
Councilman Sutherland	Aye
Councilman Smith	Aye
Councilwoman Cloyd	Aye
Councilman Green	Absent

ATTEST:

  
John Bramlett, Mayor



## RENT/LEASE

For lease, 2 bedroom mobile home, air, heat, & appliances. Off 1488. Fieldstore Community, Waller. No Pets. 409-372-2002.

**ONE BEDROOM**  
\$345/month,  
Two bedroom, \$475/month  
Fireplace & ceiling fans  
Call ASAP,  
351-0299

Large or small mobile homes. Free: Garbage pick-up, water, satellite hook-up. No pets. 409-372-9414.

**2 bed/2 bath Brick Ranch**  
on 5 acres, with shop,  
office & storage, fenced.  
Near Tomball  
713-351-6994  
or  
409-372-3703

For Rent, Country living - 2 br mobile with fireplace, washer & dryer, Fridge., large lot, \$600.00 mo. Decker Prairie, Day 563-2650 Night 356-7848

Tomball, 2/2 Townhouse \$545.00 mo. Agent 250-9179

Horse property for rent/lease. House, 5 stall barn w/lack, lighted arena, covered round pen, 4 acres cross fences, 12 minutes from Tomball. 713-255-2703 leave mes-

## LEGAL

**DIVORCE**  
\$79 & UP  
Uncontested  
Legal Documents  
Name Changes-child/adult  
Claudia Hutton  
356-9219

### PUBLIC NOTICE

The City of Magnolia will hold a second public hearing at 1:00 PM on March 20, 1996, at City Hall, in regard to the submission of applications to the Texas Department of Housing and Community Affairs for a Texas Community Development Program (TCDP) grant. Topics to be discussed will include the activities of these applications, the amount of funds to be requested, and the estimated amount of funds to benefit low and moderate income persons. The applications will be available for review at City Hall during regular business hours. There is no displacement of persons anticipated under these projects. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, are requested to contact the City two working days prior to the meeting so that appropriate arrangements can be made.

\*\*\*  
HAPPY ST. PATRICK'S DAY\*\*\*

**\$2 OFF**  
**YOUR PERSONAL**  
**CLASSIFIED AD**  
**WITH THIS**  
**COUPON WHEN**  
**PRESENTED ON**  
**MONDAY OR**  
**TUESDAY ONLY**  
**OF ANY WEEK!**  
**CANNOT BE USED**  
**FOR A**  
**BUSINESS AD**  
**Present at either**  
**POTPOURRI**  
**NEWS offices,**  
**29431 Tomball**  
**Parkway in**  
**Tomball or**  
**38900 FM 1774 in**  
**Magnolia**



Woodland Lakes Civic Club, is receiving bids on a right-a-way mowing. For information, call Lewis Turner 356-3547 or George Cruseturner 356-7803. Bids close March 28th.

### ORDINANCE #222

City of Magnolia, ordinance #222 - An ordinance providing for minimum standards for mobile home parks; establishing procedures and fees for the issuance of mobile home park permit; regulating the location of mobile homes/manufactured homes and mobile home parks; establishing rules and regulations of mobile home parks and related utilities and facilities; authorizing inspection and revocation of permits; providing for appeals where permit denied; providing for penalties, providing a savings clause and repealing all ordinances in conflict.

Penalty for violations: Whoever 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 fined no less than \$250.00.

Passed and adopted on its first reading on the 5th day of March, 1996.

## SERVICE DIRECTORY

### AIR CONDITIONING

**RANDALL'S REFRIGERATION A/C and Heating**  
No over-time charge.....357-0820  
**APPLIANCES**

**ACE APPLIANCES** Used major appliances  
Sales and Repair - Boudreaux and Telge.....351-2223  
**CERTIFIED APPLIANCE REPAIR**  
\$10 off with this ad.....356-5377

### ATTORNEY

**ODOM, SCHMERIN & THOMASON**  
2813 West T.C. Jester Blvd • Houston.....680-2220

### AUTO

**MAGNOLIA AUTO PARTS • 19011 FM 1488**  
M-F 8-6 • Sat 8-5 • Sun 10-2.....259-0263

### AUTO/WRECKER

**MAGNOLIA PAINT & BODY - 24 hr**  
wrecker - 1119 Yancey Dr. ....356-8093  
**CABLE**



### ASTROVISION

Serving Harris and Surrounding Counties.....356-4317  
**CLEANERS**

### J R & S CLEANERS

706 W. Main, Tomball.....351-4587  
**CONSTRUCTION/CONTRACTORS**

### ADKISON READY MIX CONCRETE

Commercial/Residential.....351-7777  
**MEDICAL/DENTAL**

### PRESTON CUTBIRTH D.D.S.

Mid South Center - Pinehurst.....356-3721  
**STEPHEN H. NABORS, D.D.S.**

827 S. Magnolia Blvd.....356-2288  
**ORGANIZATIONS**

### SAMARITANS

9456