

ORDINANCE NO. 335

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS ESTABLISHING A "NO PARKING - TOW AWAY ZONE" ON BOTH SIDES OF ROLLING HILLS FROM FM 1488 TO DOGWOOD TRAILS WITHIN THE CITY; AUTHORIZING AND DIRECTING THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES NOTIFYING THE PUBLIC OF THE ZONES ESTABLISHED HEREBY; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$500.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF UNLAWFULLY PARKED VEHICLES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, City Council has determined that parking vehicles on certain portions of Rolling Hills presents a particular danger to the safety and welfare of pedestrians and/or the traveling public and deems it necessary and advisable to establish thereon a "No Parking-Tow Away Zone" as described below; now therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. It shall be unlawful for any person to park or leave standing a motor-driven or motor-propelled vehicle on either side of Rolling Hills from FM 1488 to Dogwood Trails.

Section 3. When any person is charged with having parked or left standing a vehicle in a "No Parking -Tow Away Zone" as designated in Section 2 hereof, proof that the vehicle was, at the date and time of the offense alleged, owned by the person charged with the offense shall constitute prima facie evidence that the vehicle was parked or left standing at the place by

the owner, but the owner shall have the right to introduce evidence to show that such vehicle was not parked by him or her as charged in the complaint.

Section 4. The Chief of Police is hereby authorized and directed to cause the placement of official traffic control devices giving notice of the "No Parking – Tow Away Zone" as described in Section 2 above.

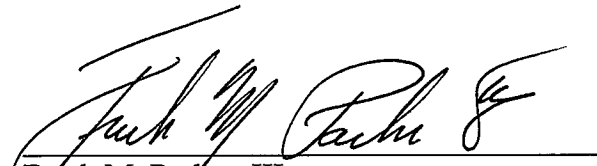
Section 5. Any person who shall fail to observe and comply with a duly posted traffic control device erected pursuant to this Ordinance, or who shall in any manner violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$1.00 nor more than \$500.00.

Section 6. Vehicles illegally parked or standing in violation of Section 2 above may be removed and impounded in the manner provided under §684.001, *et seq.*, of the Texas Transportation Code.

Section 7. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

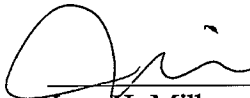
Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of 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 10th day of February, 2004.



Frank M. Parker, III
Mayor

ATTEST:



Jane H. Miller
City Secretary

AFFIDAVIT OF PUBLICATION

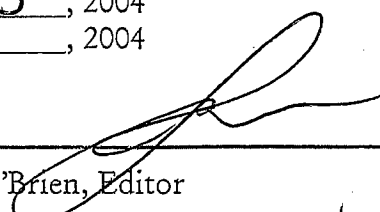
Before me, the undersigned authority, on this day personally appeared Denny O'Brien who on his oath stated:

CITY OF MAGNOLIA ORDINANCE 335

An Ordinance of the City of Magnolia, Texas establishing a "No Parking - Tow Away Zone" on both sides of Rolling Hills from FM 1488 to Dogwood Trails within the city; Authorizing and directing the placement of official traffic control devices notifying the public of the zones established hereby; providing a penalty in an amount of not less than \$1.00 nor more than \$500.00 for each violation of any provision hereof; authorizing the removal and impoundment of unlawfully parked vehicles; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; 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:

2/23, 2004
 , 2004


Denny O'Brien, Editor

Subscribed and sworn to this 24 day of Feb., 2004

