

## ORDINANCE 180

AN ORDINANCE BY THE CITY OF MAGNOLIA, TEXAS REPEALING ORDINANCE 89, PROHIBITING DOMESTICATED MEMBERS OF CANIS FAMILIARIS (DOGS) FROM RUNNING AT LARGE, PROVIDING FOR THE CITY OF MAGNOLIA, TEXAS TO IMPOUND OR CAUSE TO BE IMPOUNDED DOGS RUNNING AT LARGE, PROVIDING A PENALTY AND/OR DESTRUCTION OF DOGS, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER, AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City Council of the City of Magnolia, Texas finds that the public health and welfare of the City of Magnolia, Texas, is endangered by the running at large of dogs, which creates conditions leading to rabies, epidemics, and nuisances to people;

Whereas, dogs running at large are responsible for the injury to many of the inhabitants of the City of Magnolia, Texas, and thus detrimental to public welfare; and

Whereas, the City Council of the City of Magnolia, Texas desires to repeal existing Ordinances and provide an Ordinance that will be more effective in combating and dealing with a problem that has become both dangerous and disturbing to the residents of the City of Magnolia, Texas and the City Council deems the following Ordinance necessary and in the public interest;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS;

### ARTICLE I. DEFINITIONS

For the purpose of the Ordinance the following words shall have the following meanings:

Dog: all domesticated members of the canis familiaris.

At Large: a dog not under the physical control of the owner, or not restrained securely within an enclosure, fence or leash.

Owner: any person, firm, corporation, or other entity owning, keeping, harboring, having control of or custody of a dog.

Bite: the physical act of a dog encircling or attempting to encircle or ensnare any part of the human anatomy or another animal's anatomy with its mouth, whether or not the dog actually accomplishes that act and regardless of whether skin is actually broken.

### ARTICLE II. REPEAL OF ORDINANCE 89.

Effective with the passage of Ordinance 180, Ordinance 89 is repealed.

### ARTICLE III. UNLAWFUL FOR DOGS TO RUN AT LARGE

It shall be unlawful for any owner to allow or to permit a dog to be at large within the corporate city limits of the City of Magnolia, Texas.

### ARTICLE IV. UNLAWFUL FOR DOGS TO BITE.

It shall be unlawful for a dog to bite within the corporate city limits of the City of Magnolia, Texas. An owner shall be liable for a class C misdemeanor for a dog's violation of this section, and punished as the Municipal Court directs as provided for by this Ordinance.

It shall be an affirmative defense to this Article if an owner shows that the dog bit while on the owner's property, and the dog was properly fenced, restrained or leashed, and bit only in response to the victim's unlawful trespass or provocation.

A postal worker, meter reader, police officer or any other person who is on the owner's property through routine performance of his or her duties will not constitute an unlawful trespass.

### ARTICLE V. CITY MAY IMPOUND, DESTROY DOG

Any dog found to be in violation of this Ordinance may be impounded by the City of Magnolia, Texas. The owner shall be liable for any costs associated with the impounding of the animal. The City may impound the animal by its own direct action or seek other local governmental or county governmental assistance in this regard.

Upon 5 days notice to the owner at his or her last known address, the City may apply to the Justice Court of Montgomery County, Texas to destroy the dog shown to be vicious or dangerous to humans or other animals

The 5 days notice requirement may be waived by the City of Magnolia, Texas if it is shown that the dog is rabid. The Municipal Court of Magnolia, Texas, upon the showing that the dog has clinical signs of rabies, may destroy the dog. Any charge for this determination, as well as for the cost of a veterinarian to testify to this can be charged against the owner.

### ARTICLE VI. PENALTY

A violation of this Ordinance shall constitute a Class C misdemeanor.

The owner of any dog found to be in violation of any part of this Ordinance shall be fined an amount not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00); provided, however that if it be shown that an owner has been previously convicted under this Ordinance, the owner shall be fined an amount not less than fifty dollars (\$50.00), and shall be fined an amount not less than one hundred dollars (\$100.00) for a third or more conviction.

This penalty is cumulative of any other remedy provided under this Ordinance.

Each day that a violation occurs shall be deemed to be a separate offense.

The Municipal Court of the City of Magnolia, Texas may order restitution for charges incurred against the owner in addition to any other remedy or penalty ordered against the owner.

#### ARTICLE VII. PUBLICATION AND EFFECTIVE DATE

The City Secretary is directed to publish this Ordinance in the official City newspaper in compliance with State law, which publication shall be sufficient if it contains the title of this Ordinance and the penalty provided for violations as contained within this Ordinance.

It is hereby found and determined that the meetings at which this Ordinance was passed were open to the public as required by law.

This Ordinance shall go into effect June 1<sup>st</sup>, 1993.

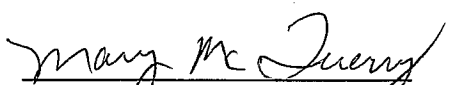
#### FIRST READING:

Read, passed and approved as set out below at a regular meeting of the City Council of the City of Magnolia, Texas, held on the 11 day of May, 1993.

COUNCILWOMAN OGDEN	<u>AYE</u>
COUNCILMAN TIMMINS	<u>AYE</u>
COUNCILMAN WARE	<u>ABSENT</u>
COUNCILMAN CHUMLEY	<u>AYE</u>
COUNCILMAN SMITH	<u>AYE</u>

ATTEST:

  
John Bramlett, Mayor

  
Mary McQuerry, City Secretary

## LEGAL

### NOTICE TO BIDDERS

The City of Tomball, Texas is accepting sealed bids for meter reading services.

Sealed bids should be addressed to the City Secretary, City of Tomball, 401 West Market, Tomball, Texas 77375 and shall be labeled "Project No. 93-18, DO NOT OPEN". Bids will be accepted untill 10:00 A.M. Thursday, May 27, 1993. at which time all bids shall be opened and read aloud.

The City of Tomball reserves the right to accept or to reject any or all bids, to waive technicalities, and to make any investigation deemed necessary concerning the bidder's ability to provide the service required, and to accept what in their judgment is the most advantageous bid.

Information and specifications may be obtained from Department of Public Works, City of Tomball, 501 James Street, Tomball, Texas 77375.

### NOTICE OF INTENT TO SELL

Notice is hereby given of intent to sell one thoroughbred yearling filly out of a Black Stakes winning sire to satisfy lien against Robert Danburg, to be sold at Public Auction at Woods Horse Sale, FM 1488, Magnolia, Texas, on May 22, 1993 for a minimum bid of \$700.

### ORDINANCE NO.180

An ordinance by the City of Magnolia, Texas repealing ordinance 89. Prohibiting domesticated members of canis familiaris (dogs) from running at large, providing for the City of Magnolia, Texas to impound or cause to be impounded dogs running at large, providing a penalty and/or destruction of dogs, providing for publication in the official newspaper and providing for an effective date. Passed and approved at first reading May 11, 1993. Effective date June 1, 1993. The owner of any dog found to be in violation of any part of ordinance 180 shall be fined an amount not less than twenty-five dollars nor more than five hundred dollars.

### SMALL BUSINESS AWARD WINNERS CHOSEN

Five north Houston area business owners have been selected Small Business Award winners and were honored May 10 at the North Harris Montgomery Community College District Business and Industry Council's Annual Small Business Awards Banquet. The winners include Wayne Holland of Tomball. Holland is the owner of bank courier service Apollo Express. He began with one driver in 1981 and now has 20 drivers working for him. Holland's monthly bonus program, which began in 1985, rewards drivers with 100 percent on-time delivery records for bank routes. The program, which is still in effect, raised driver morale and increased business greatly.

**CLASSIFIED ADS DEAD-  
LINE IS NOON WEDNES-  
DAY FOR THE FOLLOW-  
ING EDITION**

## REAL ESTATE