Replaced with ord #158

See attached memo from City Atty, 4-6-89

ORDINANCE NO. 21

AN ORDINANCE DEFINING A NUISANCE: DESCRIBING SPECIFIC NUISANCES: PROVIDING FOR THE ABATEMENT THEREOF, AND PROVIDING A PENALTY.

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

SECTION 1. GENERAL DEFINITION. Whatever is dangerous to human life or health; whatever renders the ground, the water, the air, or any food or drink unwholesome and a hazard to human life and health is hereby declared to be a nuisance.

SECTION 2. SPECIFIC NUISANCES. The following are declared to be nuisances, and as such are liable to be abated, and the person guilty of causing, permitting or suffering any of them upon his premises or in any building occupied or controlled by him or in or upon any street, alley, ditch, sidewalk or gutter immediately adjacent to such premises shall, upon conviction, be fined as hereinafter prescribed.

(a) Any building, erection, or cellar or any part of such building or erection or building which is overcrowded, or not provided with adequate means of ingress or egress or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted.

(b) All cellars, vaults, drains, pools, privies, sewers, yards, ground or premises which have for any cause become foul, nauseous or offensive or injurious to the health, or unpleasant to adjacent residences or to persons passing such premises.

(c) All carcasses, all decaying flesh, fish, fowls, fruit, or vegetables, all deposits of manure, all flesh of any kind or description whatever, all filthy or offensive water or slops in any private yard or premises, and all other unwholesome substances when thrown upon or conducted into or upon any street, alley, public ground, ditch, or enclosure in such manner as to render such substances unwholesome and offensive or liable to become unwholesome or offensive.

(d) All privies that are offensive from use; all markets, cellars, laundries, stores or other buildings or places which are not kept clean and free from filthy and unwholesome substances and odors; all deposits or substances that are offensive or liable to engender disease.

(e) Every trade, business or occupation injurious to the health or comfort of persons who reside in the vicinity, and any can or receptacle containing water or slops suffered to become stagnant or offensive or unwholesome from any cause.

(f) The act of depositing filth or any foul, offensive, nauseous or injurious substance upon any sidewalk, street, alley, ditch, public thoroughfare or other public place.

(g) The act of sweeping or depositing any trash, paper, or rubbish into any street, alley, public thoroughfare or other public place and allowing the same to remain in such place longer than six hours.

(h) The act of burning any hair, leather, rags, or any other substance of any kind which may cause or produce an offensive smell, smoke or odor capable of annoying persons living in the vicinity or persons passing along the streets, alleys or public thoroughfares.

(i) The act of defecating or urinating upon the streets, alleys or public grounds, or in any place that may be seen from a private residence, or by persons passing along the streets, alleys or public thoroughfare.

(j) The act by any person of permitting or allowing any weeds, filth or rubbish of any kind to remain on any sidewalk in front of or at the side of any premises owned by such persons, or in the street, to the middle thereof, in front or at the side of any premises owned or controlled by such person, or upon any alley, that may be at the rear or side of any lots owned or controlled by such person.

(k) The act of hauling, carrying or transporting any meat or slaughtered or dead animals or fish through the streets of the Town without having the same entirely covered, screened and protected from dust and public view.

(l) The act of scattering or distributing any advertisements, circulars, handbills, printed or written announcements, or paper of like character, or any medicines, upon the streets, sidewalks, alleys or within the public buildings or grounds within the limits of the Town.

(m) The act of the owner or possessor of any animal which may die within the corporate limits of the Town failing to have the carcass of same removed within eighteen hours after death of said animal outside of the Town limits.

(n) The act of throwing from any opening in, or carrying from, or flushing from, any dwelling or place of abode, any night soil, feces, urine or filthy or unclean water into or upon

any alley, ditch, street or sidewalk or into or upon any adjacent property not owned by the principal.

(o) The act of conducting or causing to be conducted into any alley, ditch or gutter of waste water from any sink or tank or any source of water supply which may produce any pool or pools of stagnant water in said alley or gutter.

(p) The act of dumping upon and removing from any sidewalk, street, ditch or alley any coal or like material in a dry state, in such manner that annoying or offensive dust is generated from such material, or the act of leaving any coal dust or like material upon any sidewalk, street, or alley at or near the place where such coal or material was deposited or from which it was removed.

(q) Any article or substance placed upon any street, sidewalk, alley, gutter, drain or public ground except such articles as are permitted by ordinance of this Town, in such manner as to obstruct such passageway.

(r) The act of throwing any glass, tin, queen's ware, crockery, or other rubbish into or upon the sidewalks, streets, alleys, public thoroughfares, commons, drains or gutters.

(s) Any unwholesome food, liquor or adulterated medicine, and all cattle, horse or hog pens, stables or enclosed areas in which any cattle, horses or hogs may be kept or confined, which may from use have become offensive.

(t) Any granaries, barns, elevators or other premises where rats breed or are harbored.

(u) The act of allowing any privy to become dilapidated or out of repair so that any person within or the contents thereof may be exposed to view; the act of constructing or keeping on the premises any privy, the contents whereof are exposed to view, or can be seen from any street or public places; the act of discharged or causing to be discharged into any street, ditch, alley, public thoroughfare, or other public places or upon premises belonging to any other person the contents of such privy.

(v) Any nauseous, foul or putrid liquids, or substances likely to be nauseous, foul, offensive or putrid, discharged.

Date: April 6, 1989 FROM CITY ATTORNEY: LANE JAMISON

Memorandum to: Mayor and Councilmembers of City of Magnolia

You have asked an opinion of my as to what can be done as to concerning certain flea markets within the City of Magnolia. Particularly, you have inquired as to the necessity of an ordinance or some other way in which the town may enforce certain establishments which you feel are unhealthy, an eye-sore, or a general nuisance in and about the City.

The following constitutes my reply.

I have reviewed Ordinance No. 21, an ordinance defining a nuisance: describing specific nuisances: providing for the abatement thereof, and providing a penalty. This ordinance was passed by council, signed and attested by the mayor of Magnolia on August 11, 1970. In my considered opinion the things of which you are complaining could be handled without the necessity of further ordinances and could in fact be abated and/or stopped through the rigorous enforcement of Ordinance No. 21.

Specifically, Section 2 (a) defines a nuisance as any building, erection, or cellar or any part of such building or erection or building which is overcrowded, or not provided with adequate means of ingress or egress or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted.

Further to this Section 2 (d) defines a nuisance to be all privies that are offensive from use; all markets, cellars, laundries, stores or other buildings or places which are not kept clean and free from filthy and unwholesome substances and odors; all deposits or substances that are offensive or liable to engender disease.

Again, Section 2 (e) defines a nuisance as every trade, business or occupation injurious to the health or comfort of persons who reside in the vicinity, and any can or receptacle containing water or slops suffered to become stagnant or offensive or unwholesome from any cause.

The act goes on to define several instances of other specific nuisances that the City may act upon.

In Section 3, a nuisance is further defined to be any other nuisance which is further defined as any other act or thing done or suffered within the town limits, which may interfere with the enjoyment by any member or members of the community, or any person or persons, who may thereby be deprived of his or their right to be free from foul, noxious or offensive or unpleasant odors, sounds or vapors, and to breathe fresh air and to be free from the sight of foul or offensive objects and substances.

Under Section 4, the town may make improvements and charge the owners. Further to this, any person, firm, corporation or agent violating any of the provisions of this ordinance, shall, upon conviction thereof, be deemed guilty of misdemeanor and shall be fined any sum not in excess of One Hundred ($100.00) Dollars, and the violation of each separate provision of this ordinance shall be considered a separate offense and each day's violation hereof shall be considered a separate offense.

In order to successfully prosecute under Ordinance No. 21, it must be brought by sufficient complaint or information before the municipal court of the City of Magnolia. I would further, in support of the evidentiary requirement required in municipal court, take pictures and gather whatever evidence you deem appropriate to satisfy the judge that a nuisance does in fact exist within the city limits of Magnolia. If there is a question concerning the health of these establishments, I would contact the local county authorities, specifically the County Health Department for assistance in investigating the nuisance, and determining if a health violation is in fact occurring.

Please be advised, that upon conviction in municipal court, any defendant may appeal by trial de novo, i.e. a new trial, to the county court where upon a trial will be had all over. It is therefore important that the facts gathered initially be accurately documented so as to sustain the conviction on second go round if such matter was appealed.

In light of this ordinance and a similar ordinance that exists within Magnolia, I think the town can adequately govern flea markets without the necessity of new ordinances or legislation. Particulary, if these are shacks, unpainted in nature, and constitute perhaps a fire hazard of some sort or if food is being served out of these flea markets, in violation of county health regulations, I believe you can sustain a conviction under that as well.

I trust this answers your questions. Should you have any further please do not hesitate to ask.

LJ

ORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NO. 21 DEFINING A NUISANCE; DESCRIBING SPECIFIC NUISANCES; PROVIDING FOR THE ABATEMENT THEREOF; AND PROVIDING A PENALTY; AND PROVIDING FOR THE DEMOLITION AND REMOVAL OF BUILDINGS.

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

SECTION 1. GENERAL DEFINITION. WHATEVER IS DANGEROUS TO HUMAN LIFE OR HEALTH; WHATEVER RENDERS THE GROUND, THE WATER, THE AIR, OR ANY FOOD OR DRINK UNWHOLESOME AND A HAZARD TO HUMAN LIFE AND HEALTH IS HEREBY DECLARED TO BE A NUISANCE.

SECTION 2. SPECIFIC NUISANCES. THE FOLLOWING ARE DECLARED TO BE NUISANCES, AND AS SUCH ARE LIABLE TO BE ABATED, AND THE PERSON GUILTY OF CAUSING, PERMITTING OR SUFFERING ANY OF THEM UPON HIS PREMISES OR IN ANY BUILDING OCCUPIED OR CONTROLLED BY HIM OR IN OR UPON ANY STREET, ALLEY, DITCH, SIDEWALK OR GUTTER IMMEDIATELY ADJACENT TO SUCH PREMISES SHALL, UPON CONVICTION, BE FINED AS HEREINAFTER PRESCRIBED.

(a) ANY BUILDING, ERECTION, OR CELLAR OR ANY PART OF SUCH BUILDING OR ERECTION OR BUILDING WHICH IS OVERCROWDED, OR NOT PROVIDED WITH ADEQUATE MEANS OF INGRESS OR EGRESS OR IS NOT SUFFICIENTLY SUPPORTED, VENTILATED, SEWARD, DRAINED, CLEANED, LIGHTED, OR ABANDONED, OR HARBORS RATS, MICE AND OTHER VERMIN, OR IS OTHERWISE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION; OR IS A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

(b) ALL CELLARS, VAULTS, DRAINS, POOLS, PRIVIES, SEWERS, YARDS, GROUND OR PREMISES WHICH HAVE FOR ANY CAUSE BECOME FOUL, NAUSEOUS OR INJURIOUS TO THE HEALTH, OR UNPLEASANT TO ADJACENT RESIDENCES OR TO PERSONS PASSING SUCH PREMISES.

(c) ALL CARCASSES, ALL DECAYING FLESH, FISH, FOWLS, FRUIT, OR VEGETABLES, ALL DEPOSITS OF MANURE, ALL FLESH OF ANY KIND OR DESCRIPTION WHATEVER, ALL FILTHY OR OFFENSIVE WATER OR SLOPS IN ANY PRIVATE YARD OR PREMISES, AND ALL OTHER UNWHOLESOME SUBSTANCES WHEN THROWN UPON OR CONDUCTED INTO OR UPON ANY STREET, ALLEY, PUBLIC GROUND, DITCH, OR ENCLOSURE IN SUCH MANNER AS TO RENDER SUCH SUBSTANCES UNWHOLESOME AND OFFENSIVE OR LIABLE TO BECOME UNWHOLESOME OR OFFENSIVE.

(d) ALL PRIVIES THAT ARE OFFENSIVE FROM USE; ALL MARKETS, CELLARS, LAUNDRIES, STORES OR OTHER BUILDINGS OR PLACES WHICH ARE NOT KEPT CLEAN AND FREE FROM FILTHY AND UNWHOLESOME SUBSTANCES AND ODORS; ALL DEPOSITS OR SUBSTANCES THAT ARE OFFENSIVE OR LIABLE TO ENGENDER DISEASE.

(e) EVERY TRADE, BUSINESS OR OCCUPATION INJURIOUS TO THE HEALTH OR COMFORT OF PERSONS WHO RESIDE IN THE VICINITY, AND ANY CAN OR RECEPTACLE CONTAINING WATER OR SLOPS SUFFERED TO BECOME STAGNANT OR OFFENSIVE OR UNWHOLESOME FROM ANY CAUSE.

(f) THE ACT OF DEPOSITING FILTH OR ANY FOUL, OFFENSIVE, NAUSEOUS OR INJURIOUS SUBSTANCE UPON ANY SIDEWALK, STREET, ALLEY, DITCH, PUBLIC THOROUGHFARE OR OTHER PUBLIC PLACE.

(g) THE ACT OF SWEEPING OR DEPOSITING ANY TRASH, PAPER, OR RUBBISH INTO ANY STREET, ALLEY, PUBLIC THOROUGHFARE OR OTHER PUBLIC PLACE AND ALLOWING THE SAME TO REMAIN IN SUCH PLACE LONGER THAN SIX HOURS.

(h) THE ACT OF DEFECATING OR URINATING UPON THE STREETS, ALLEYS OR PUBLIC GROUNDS, OR IN ANY PLACE THAT MAY BE SEEN FROM A PRIVATE RESIDENCE, OR BY PERSONS PASSING ALONG THE STREETS, ALLEYS OR PUBLIC THOROUGHFARE.

(i) THE ACT BY ANY PERSON OF PERMITTING OR ALLOWING ANY WEEDS, FILTH OR RUBBISH OF ANY KIND TO REMAIN IN ANY SIDEWALK IN FRONT OF OR AT THE SIDE OF ANY PREMISES OWNED BY SUCH PERSONS, OR IN THE STREET, TO THE MIDDLE THEREOF, IN FRONT OR AT THE SIDE OF ANY PREMISES OWNED OR CONTROLLED BY SUCH PERSON, OR UPON ANY ALLEY, THAT MAY BE AT THE REAR OR SIDE OF ANY LOTS OWNED OR CONTROLLED BY SUCH PERSON.

(j) THE ACT OF HAULING, CARRYING OR TRANSPORTING ANY MEAT OR SLAUGHTERED OR DEAD ANIMALS OR FISH THROUGH THE STREETS OF THE CITY WITHOUT HAVING THE SAME ENTIRELY COVERED, SCREENED AND PROTECTED FROM DUST AND PUBLIC VIEW.

(k) THE ACT OF SCATTERING OR DISTRIBUTING ANY ADVERTISEMENTS, CIRCULARS, HANDBILLS, PRINTED OR WRITTEN ANNOUNCEMENTS, OR PAPER OF LIKE CHARACTER, OR ANY MEDICINES, UPON THE STREETS, SIDEWALKS, ALLEYS OR WITHIN THE PUBLIC BUILDINGS OR GROUNDS WITHIN THE CITY LIMITS OF THE CITY.

(l) THE ACT OF THE OWNER OR POSSESSOR OF ANY ANIMAL WHICH MAY DIE WITHIN THE CORPORATE LIMITS OF THE CITY FAILING TO HAVE THE CARCASS IF THE SAME REMOVED WITHIN EIGHTEEN HOURS AFTER DEATH OF SAID ANIMAL OUTSIDE OF THE CITY LIMITS.

(m) THE ACT OF THROWING FROM ANY OPENING IN, OR CARRYING FROM, OR FLUSHING FROM, ANY DWELLING OR PLACE OF ABODE, ANY NIGHT SOIL, FECES, URINE OR FILTHY OR UNCLEAN WATER INTO OR UPON ANY ALLEY, DITCH, STREET OR SIDEWALK OR UPON ANY ADJACENT PROPERTY NOT OWNED BY THE PRINCIPAL.

(n) THE ACT OF CONDUCTING OR CAUSING TO BE CONDUCTED INTO ANY ALLEY, DITCH OR GUTTER OF WASTE WATER FROM ANY SINK OR TANK OR ANY SOURCE OF WATER SUPPLY WHICH MAY PRODUCE ANY POOL OR POOLS OF STAGNANT WATER IN SAID ALLEY OR GUTTER.

(o) THE ACT OF DUMPING UPON AND REMOVING FROM ANY SIDEWALK, STREET, DITCH OR ALLEY ANY COAL OR LIKE MATERIAL IN A DRY STATE, IN SUCH MANNER THAT ANNOYING OR OFFENSIVE DUST IS GENERATED FROM SUCH MATERIAL, OR THE ACT OF LEAVING ANY COAT DUST OR LIKE MATERIAL UPON ANY SIDEWALK, STREET, OR ALLEY AT OR NEAR THE PLACE WHERE SUCH COAL OR MATERIAL WAS DEPOSITED OR FROM WHICH IT WAS REMOVED.

(p) ANY ARTICLE OR SUBSTANCE PLACED UPON ANY STREET, SIDEWALK, ALLEY GUTTER, DRAIN OR PUBLIC GROUND EXCEPT SUCH ARTICLES AS ARE PERMITTED BY ORDINANCE OF THIS CITY, IN SUCH MANNER AS TO OBSTRUCT SUCH PASSAGEWAY.

(q) THE ACT OF THROWING ANY GLASS, TIN, QUEEN'S WARE, CROCKERY, OR OTHER RUBBISH INTO OR UPON THE SIDEWALKS, STREETS, ALLEYS PUBLIC THOROUGHFARES, COMMONS, DRAINS OR GUTTERS.

(r) ANY UNWHOLESOME FOOD, LIQUOR OR ADULTERATED MEDICINE, AND ALL CATTLE, HORSE OR HOG PENS, STABLES OR ENCLOSED AREAS IN WHICH ANY CATTLE, HORSES OR HOGS MAY BE KEPT OR CONFINED, WHICH MAY FROM USE HAVE BECOME OFFENSIVE.

(s) ANY GRANARIES, BARNS, ELEVATORS OR OTHER PREMISES WHERE RATS BREED OR ARE HARBORED.

(t) THE ACT OF ALLOWING ANY PRIVY TO BECOME DILAPIDATED OR OUT OF REPAIR SO THAT ANY PERSON WITHIN OR THE CONTENTS THEREOF MAY BE EXPOSED TO VIEW; THE ACT OF CONSTRUCTING OR KEEPING ON THE PREMISES ANY PRIVY, THE CONTENTS WHEREOF ARE EXPOSED TO VIEW, OR CAN BE SEEN FROM ANY STREET OR PUBLIC PLACES; THE ACT OF DISCHARGED OR CAUSING TO BE DISCHARGED INTO ANY STREET, DITCH, ALLEY , PUBLIC THOROUGHFARE, OR OTHER PUBLIC PLACES OR UPON PREMISES BELONGING TO ANY OTHER PERSON THE CONTENTS OF SUCH PRIVY.

(u) ANY NAUSEOUS, FOUL OR PUTRID LIQUIDS, OR SUBSTANCES LIKELY TO BE NAUSEOUS, FOUL, OFFENSIVE OR PUTRID, DISCHARGED, PLACED THROWN OR CONDUCTED INTO OR UPON ANY STREET, ALLEY, PUBLIC GROUND OF COMMON.

(v) THE ACT OF WRONGFULLY CASTING, THROWING OR DEPOSITING ANY FILTH, SUBSTANCE OR THING INTO ANY PRIVATE OR PUBLIC WELL OR CISTERN.

(w) THE ACT OF ERECTING OR MAINTAINING BUILDINGS OR STRUCTURES WITH ROOFS OR EAVES PROJECTING BEYOND THE PROPERTY LINE OR SHEDDING WATER UPON ANY PROPERTY OTHER THAN THAT BELONGING TO THE OWNER OF SUCH ERECTION OR BUILDING.

SECTION 3. ANY OTHER. ANY OTHER ACT OR THING DONE OR SUFFERED WITHIN THE CITY LIMITS, WHICH MAY INTERFERE WITH THE ENJOYMENT BY ANY MEMBERS OR MEMBERS OF THE COMMUNITY, OR ANY PERSON OR PERSONS, WHO MAY THEREBY BE DEPRIVED OF HIS OR THEIR RIGHT TO BE FREE FROM FOUL, NOXIOUS OR OFFENSIVE OR UNPLEASANT ODORS, SOUNDS OR VAPORS, AND TO BREATHE FRESH AIR AND TO BE FREE FROM THE SIGHT OF FOUL OF OFFENSIVE OBJECTS AND SUBSTANCES.

SECTION 4. CITY MAY MAKE IMPROVEMENTS AND CHARGE TO OWNER. IN THE EVENT SUCH OWNER SHALL FAIL OR REFUSE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDINANCE WITHIN TEN DAYS AFTER NOTICE TO DO SO, THE CITY MAY DO SUCH WORK OR CAUSE THE SAME TO BE DONE, AND PAY THEREFORE, AND CHARGE THE EXPENSES IN DOING OR HAVING SUCH WORK DONE, OR IMPROVEMENTS MADE, TO THE OWNERS OF THE PROPERTY, WHEREUPON SUCH CHARGE SHALL BE A PERSONAL LIABILITY OF SUCH OWNER TO THE CITY. SAID NOTICE MAY BE IN WRITING SERVED UPON SUCH OWNER OR IN PERSON BY AN OFFICER OR EMPLOYEE OF THE CITY, OR MAY BE BY LETTER ADDRESSED TO SUCH OWNER AT HIS POST OFFICE ADDRESS, OR IF PERSONAL MAY NOT BE HAD AS AFORESAID, OR THE OWNER'S ADDRESS BY NOT KNOWN, THEN NOTICE MAY BE

GIVEN BY PUBLISHING A BRIEF SUMMARY OF SAID ORDER AS MANY AS TWO TIMES WITHIN TEN CONSECUTIVE DAYS IN SOME NEWSPAPER OF GENERAL CIRCULATION IN THE CITY ADDRESSED "SANITARY IMPROVEMENTS", "TO WHOM IT MAY CONCERN" AND SUCH PUBLICATION SHALL BE DEEMED SUFFICIENT NOTICE.

SECTION 5. CITY CAN DEMOLISH AND ACQUIRE LIEN. UPON NOTICE TO THE OWNER OR OWNERS OF ANY BUILDING JUDGED TO BE A NUISANCE HEREIN, THE CITY MAY ANNOUNCE ITS INTENT TO DEMOLISH SAME. NOTICE MUST BE GIVEN TO THE OWNER OR OWNERS BY CERTIFIED MAIL AT THE OWNER'S LAST KNOWN ADDRESS OR BY PERSONAL SERVICE. THE OWNER OR OWNERS MAY CONTEST THE CITY'S PROPOSED ACTION AT A PUBLIC HEARING. THE CITY COUNCIL SHALL SIT AS THE HEARING AUTHORITY. A SIMPLE MAJORITY SHALL CONSTITUTE THE HEARINGS AUTHORITY'S DECISION.

ANY NOTICE GIVEN PURSUANT TO THIS ACTION SHALL ADVISE THE OWNER OR OWNERS OF THE HEARING ON THE PROPOSED DEMOLITION OF THE BUILDING OR BUILDINGS. THE FAILURE TO APPEAR AT THE HEARING SHALL BE PRIMA FACIE PROOF OF THE CORRECTNESS AND RIGHTNESS OF THE CITY'S DECISION TO DEMOLISH THE BUILDING OR BUILDINGS.

IF THE BUILDING IS NOT DEMOLISHED WITHIN THE TIME PERIOD GIVEN BY THE HEARING AUTHORITY, THE CITY MAY DEMOLISH THE BUILDING OR BUILDINGS AT ITS OWN EXPENSE. THE EXPENSES INCURRED SHALL CONSTITUTE A LIEN AGAINST THE PROPERTY UPON WHICH THE BUILDING WAS LOCATED AND MAY BE EXTINGUISHED IF THE PROPERTY OWNER OR OWNERS REIMBURSE THE CITY. THE LIEN MAY NOT BE ENFORCED BY FORCED SALE.

SECTION 6. PENALTY. ANY PERSON, FIRM, CORPORATION OR AGENT VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE, SHALL, UPON CONVICTION THEREOF, BE DEEMED GUILTY OF MISDEMEANOR AND SHALL BE FINED ANY SUM NOT IN EXCESS OF ONE HUNDRED DOLLARS ($100.00), AND THE VIOLATION OF EACH SEPARATE PROVISION OF THIS ORDINANCE SHALL BE CONSIDERED A SEPARATE OFFENSE AND EACH DAY'S VIOLATION HERE SHALL BE CONSIDERED A SEPARATE OFFENSE.

PASSED, APPROVED AND ADOPTED, OCTOBER 10, 1989.

L. D. Dyer
MAYOR

ATTEST:

Mary Ma Tuency
CITY SECRETARY

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Lenette Harris who on his oath stated: Amending ordinance #21 City of Magnolia

I am the accountant of the POTPOURRI 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 18, 19 89

_____, 19____

_____, 19____

Lenette Harris

Subscribed and sworn to this 18th day of October, 19 89.

Carolyn Yoder

Notary Public, Montgomery County, T

Legal Notices

CITY OF MAGNOLIA

An ordinance amending ordinance #21 defining a nuisance: describing specific nuisances; providing for the abatement thereof; and providing a penalty; and providing for the demolition and removal of buildings.

Passed & approved October 10, 1989

Page 18, Potpourri Newspaper, October 18, 1988

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Ord #158