

ORDINANCE NO. 346

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE CARE AND MAINTENANCE OF LIVESTOCK AND LIVESTOCK SHELTERS; DECLARING SAME A PUBLIC NUISANCE; PROVIDING FOR ABATEMENT; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

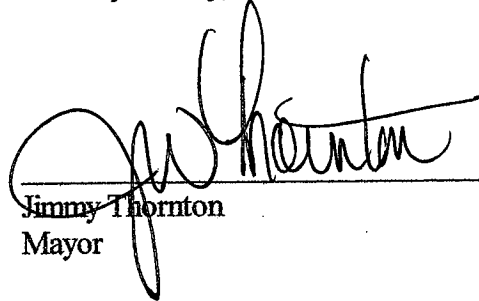
Section 1. It shall be unlawful and constitute a public nuisance for any person owning or having charge of any enclosure, pen, corral, or other restrictive area for livestock, or any yard or appurtenance thereto, in or upon which any horse, mule, jennet, cow, cattle, mule, pig or swine, sheep or goat, chicken, turkey, guinea, duck or goose, or any other livestock shall be kept, or any place within the City in which manure or liquid discharge of such animal shall collect and accumulate, to allow same to be kept in other than a clean and sanitary condition, or allow the same to remain in a condition which would constitute a breeding place for flies. Such enclosure, pen, corral or other restricted area shall be filled with dirt and/or gravel of sufficient depth to prevent water from standing or accumulating, and manure shall be removed therefrom at regular intervals so as to prevent the accumulation of filth or providing a breeding place for flies, but in no event shall any such removal occur less than once every ten (10) days. Each such enclosure, pen, corral or other restricted area shall be sprayed with some type of effective disinfectant designed for the prevention of flies at intervals not exceeding thirty (30) days.

Section 2. **Abatement.** A public nuisance as defined in Section 1 above may be abated by the City in accordance with City of Magnolia Ordinance No. 295, adopted the 12th day of February, 2002, and the owner of the property upon which such public nuisance exists shall be liable for the costs of such abatement, plus any penalty and interest for nonpayment of such costs as set forth therein.

Section 3. **Penalty.** 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 violation shall constitute a separate offense.

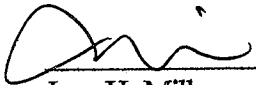
Section 4. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part 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 27th day of July, 2004.



Jimmy Thornton
Mayor

ATTEST:



Jane H. Miller
City Secretary/City Manager

AFFIDAVIT OF PUBLICATION

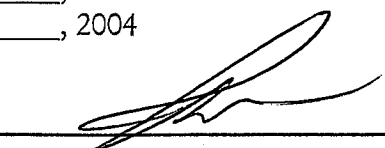
Before me, the undersigned authority, on this day personally appeared Denny O'Brien who on his oath stated:

CITY OF MAGNOLIA ORDINANCE 346

An ordinance of the City of Magnolia, Texas, providing for the care and maintenance of livestock and livestock shelters; declaring same a public nuisance; providing for abatement; providing other matters relating to the subject; providing a penalty of an amount not to exceed \$2000 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:

8/9, 2004
 , 2004


Denny O'Brien, Editor

Subscribed and sworn to this 10th day of August, 2004

