

ORDINANCE NO. 2010-05

**Establishing the Town of Magnolia Springs, Alabama as a Bird Sanctuary**

**WHEREAS**, the Town of Magnolia Springs is a natural habitat for the many species of wild native and migratory birds and fowl due to our beautiful urban forest and extensive river banks providing an ample supply of natural foods and nesting areas; and

**WHEREAS**, it is still the desire of the Town of Magnolia Springs to maintain the Bird Sanctuary designation in order to preserve and protect the many species of wild native and migratory birds in our wooded areas and along the banks of our river.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Magnolia Springs, Alabama, as follows:

**Section 1.** That the entire area embraced within the corporate limits of the Town of Magnolia Springs be and the same is hereby designated as a "Bird Sanctuary".

**Section 2.** It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or wild fowl, or to rob wild bird nests or wild fowl nests within the Bird Sanctuary; provided, however, that if starlings, pigeons, peacocks, peahens or other wild or feral birds exhibit any behavior offensive to the safety, health, prosperity, morals, order, comfort, or convenience of the inhabitants of Magnolia Springs in the opinion of the Mayor and Council, then in that event, the Mayor and Council may make arrangements to abate the behavior in such manner as they deem advisable.

**Section 3.** Nothing contained herein shall prohibit the hatching, penning or caging of any exotic or domestic bird, quail or like species of fowl that is normally kept in a zoo or otherwise except by federal or state statute.

**Section 4.** Any person, firm or corporation violating or failing to comply with any of the provisions of this ordinance is guilty of a misdemeanor and may be fined not more than Five Hundred Dollars (\$500.00) for each offense and subject to imprisonment not exceeding six (6) months or both. Each violation of this ordinance shall be a separate offense, and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense

**Section 5. Severability Clause** - If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance which shall continue in full force and effect notwithstanding such holding.

**Section 6. Repeal of prior Resolution** – Resolution 2007-22 adopted by the governing body of the Town of Magnolia Springs, Alabama on October 23, 2007, shall be and hereby is repealed, such repeal to become effective on the effective date of this ordinance.

Adopted and approved this the 19<sup>th</sup> day of May, 2010



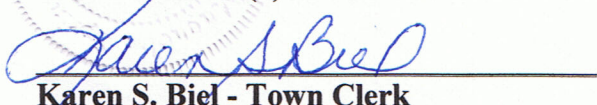
Charles S. Houser - Mayor

Attest:



Karen S. Biel - Town Clerk

TOWN OF MAGNOLIA SPRINGS, ALABAMA Certificate of Publication. This is to certify that **Ordinance Number 2010-05**, Town of Magnolia Springs, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from **May 20, 2010** to **May 25, 2010**.



Karen S. Biel - Town Clerk