

TOWN OF MAGNOLIA

ARTICLE III CRIMINAL LAW

301. Public Drunkenness

Whoever in a public area within the Town of Magnolia, while under the influence of intoxicating alcohol or drugs, displays a disorderly conduct of drunkenness may be deemed a public nuisance and a law enforcement officer may be contacted to remove the person from the area and/or detain them until becoming sober.

302. Littering

Discarding litter, trash or debris at any point within the Town of Magnolia is a violation of Town ordinance and is enforceable by any law enforcement officer witnessing such action and/or any member of Town Council accordingly.

303. Noise Control

Creating an amount of noise (noise defined as human, mechanical or electronic device) within the Town of Magnolia after 10:00 P. M. which can or may cause a disturbance among the residents of the town, whether such disturbance is caused by arguing/fighting, music, parties, gatherings or any other cause is a violation of Town ordinance and a law enforcement officer shall have the authority to issue a citation for any violation of this ordinance. If the matter continues following a warning, or being addressed by an authorized law enforcement officer to the point of deliberate defiance, the parties may be arrested.

Any amount of noise at any time of the day or night that may be considered unruly or in excess of normality or causing a disturbance among the residents shall be addressed by any member of Town Council upon complaint of any resident of the Town of Magnolia or by determination that such disturbance is excessive.

304. Public Nuisance [DELETED]

305. Citizens' Right to Privacy

[DELETED – Delaware Code already contains numerous references to personal and online privacy.]

306. Public Gatherings

Anyone within the Town of Magnolia holding a public gathering shall abide by the noise control ordinances herein stated. Should such gathering be held on public property, permission shall be requested from the Town. Should such gathering be held on private property, but for public access, notice shall be given

to the Town stating the cause, date and time of the gathering, and stipulating the parking arrangements. Should a resident hold a private gathering upon their property, all ordinances must be taken into consideration. Should such gathering become unruly, boisterous, or otherwise out of control an authorized law enforcement officer may be contacted to address the situation.

307. Hazardous Materials and Pollutants

The discharge of hazardous materials or pollutants onto the ground or into the water or wastewater systems is prohibited.

308. Animals and Pets

Pets shall be under owner control at all times. Noise from said animals (barking, screeching, etc.) shall not exceed 15 minutes at any time. Owners shall be responsible for cleanup and disposal of all animal waste.

Farm animals (such as goats, sheep, pigs, and cows) shall not be maintained within the Town. Exceptions noted as follows:

1. Chickens Maintained for Individual Domestic Purposes

- a. No more than eight (8) chickens shall be permitted on a residential lot.
- b. The keeping of roosters is prohibited.
- c. Chickens shall be penned in a coop providing at least four (4) square feet per chicken.
- d. Chicken coops shall be in rear yards a minimum of ten (10) feet from side and rear property lines.
- e. Chickens shall be registered with the Delaware Dept of Agriculture.
[<https://agriculture.delaware.gov/poultry-animal-health>]

2. Horses

Horses may be maintained on lots with a minimum of one (1) acre in area. The density rate shall be no more than 1 horse per acre. Lot owners shall be responsible for erecting adequate fencing, installing appropriate paddocks and stalls, and providing proper feed and bedding per Delaware Department of Agriculture recommendations.

Violations will result in a fine of \$100.00 for the first and any subsequent violations.

309. Curfew

[DELETED]

Effective January 8, 2024