

Ordinance Number 11

An Ordinance declaring animals running at large a public nuisance
and providing for the impounding of animals

Be it ordained by the City Council;

Section 1.(Animals a public nuisance.) All horses,mules,cattle, sheep,goats,swine and other animals,including geese and other fowl running at large within the limits of the City of Washburn are hereby declared a public nuisance.

Section 2(Unlawful for animals to run at large, Where.) It shall be unlawful for horses,mules,cattle,sheep,goats,swine or geese and other fowl to run at large on any of the streets,avenues,alleys,parks or public grounds of the City of Washburn,or to be tethered or staked out on the streets,parks or public grounds of the City of Washburn, or to be tethered or staked in such manner as to go upon any street,sidewalk or crosswalk or public park or ground within the City of Washburn; and each and every animal of either kind may be impounded in the public pound of the city if found running at large or staked or tethered out contrary to the provisions of this ordinance.

Section 3.(Animals to be impounded,When,Duty of Police and peace officers,Poundmasters duty.)Any of the aforesaid animals found running at large or tethere or staked out contrary to the provisions of this ordinance shall be liable to be taken or driven to the city pound and there impounded by any person, and it shall be the duty of the poundmaster to receive and impound any such animal or animals so driven or taken to the pound; and it shall be the duty of the chief of police or any policeman or peace officer of the City of Washburn to take any of the aforesaid animals so found running at large or tethere or staked contrary to the provisions of this ordinance,and either impound the same or deliver to the poundmaster. And when the poundmaster shall have received or impounded any such animals as aforesaid it shall be his duty either to keep the same safely until the owner or some person for the owner shall come and pay to the poundmaster or to the chief of police, the fine,fees and charges herein provided for, or until such animal or animals shall be sold according to law and the provisions of this ordinance.

Section 4.(Poundmaster to furnish animals with food and drink.To milk cows.)It shall be the duty of the poundmaster to furnish all such animals as may be impounded,with suitable and sufficient food and drink during such time they may be so impounded,and in case any cows giving milk are impounded, it shall be the duty of the poundmaster to milk or cause to be milked said cows at least twice in every twenty-four hours. And upon the payment by the owner or any person for such owner, of the fine,fees and charges as herein provided for, the poundmaster shall discharge such animals from the pound.

Section 5.(Poundmaster or Policeman to make complaint.)Upon the refusal or neglect of the owner of any of the animals mentioned in this ordinance,for twenty-four hours after the impounding of such animal or animals, to pay the fine,fees and charges provided for herein, the poundmaster or chief of police of the city shall make a complaint in writing to the police magistrate, or city justice of the peace,giving a general description of the animal or animals so impounded and the date when impounded, and if known the name of the owner; and said police magistrate or city justice of the peace shall fix a day and hour for hearing said complaint and the trial of the matter. Such police magistrate or city justice of the peace,shall issue notice of such hearing to such owner if known and if the owner be unknown,then to the unknown owner of such animal.

Section 6(Notice to be served.How.By Whom.)Such notice may be served by the chief of police or any police officer of the city,which service shall be made upon the owner of such animal,if known,by giving such notice to said owner in hand or by leaving a copy thereof at his usual place of abode,with some member of his family over fourteen years of age, informing such person of the contents thereof and if the owner be unknown then he shall serv the same by posting a copy of such notice in three places, one at the pound,one at the city hall and one at the county court house,and in addition thereto shall cause a copy thereof to be published once in the official newspaper of the city.

He shall make a return in writing of the matter in which such service is made, which return shall be sworn to by him and shall be prima facie evidence of the matter therein stated.

Section 7.(Case to be tried.When.How.)The notice above required shall be served or posted and published at least three days before the day therein named for such hearing,and the complaint shall be for trial at the time and place mentioned in such notice. The City of Washburn shall be the plaintiff and the owner or unknown owner of the animals impounded defendant in such case or trial. Either party shall be entitled to a trial by jury under the/same conditions and in the same manner,as near as may be, as in any other case before said court and the jury fees shall be advanced by the party demanding such trial

Section 8.(Default cases to be tried.How.)If the owner shall fail to appear at the time and place of hearing or trial his default shall be entered and a hearing may be had before the court as in other cases of default.

Section 9.(Judgement to be for what.Court to order sale.) the trial of any such complaint shall be conducted as near as practicable as other trials in such court, and if the owner or unknown owner of such animals be convicted of a violation of the provisions of this ordinance then judgement shall be rendered against him for the fine,fees, costs and charges provided herein, and the court shall make an order directing the chief of police to forthwith proceed to sell such animals to pay such fine,fees, costs and charges.

Section.10.(Sale to be made on notice.Notice to contain what. How Published) Immediately upon receipt of such order the chief of police shall proceed to sell such animals at public auction at the pound where they are impounded,by first giving ten days notice of such sale by posting the same at the door of the pound where such animals are impounded, which notice shall specify the time and place of such sale,a general description of the animals to be sold,and the date on which same was impounded; and shall also cause such notice to be published once in the official newspaper of the City,at least five days prior to the time of such sale.

Section 11.(Sale for cash.Adjourned When.Money to be turned over to the City Treasurer,For whom.)All sales made under the provisions of the foregoing sections shall be for cash in hand,and the sale may be adjourned from day to day for good cause. Out of the proceeds of the sale the chief of police shall pay all fees and charges as ~~per~~ herein provided,and pay over the balance to the city treasurer with a statement of the amount for which such animals/ or animals were sold and the amount of charges and costs incurred. And the amount so paid to the city treasurer shall be for the use of the owner of such animal or animals. The chief of police shall render monthly to the council a true report of all moneys received by him,fees,charges, fines or animals impounded,and the amount turned over by him to the city treasurer. The poundmaster and chief of police shall not purchase or be interested directly or indirectly in the purchase of any animal sold by virtue of the provisions hereof,under a penalty of ten dollars and the forfeiture of his office.

Section 12(Chief of police to notify owner,Redeemed,How.Fees) The chief of police shall immediately upon the impounding of any animals mentioned herein,notify the owner or owners,if known to him,either verbally or by leaving a written notice at his plac~~e~~ of residence and any animal which has been restrained or impounded may be redeemed at any time before the sale thereof by paying the chief of police or poundmaster the following fees and all costs up to the time of redemption,vis:

- For impounding animals of the horse kind,each,\$1.00
- For impounding cattle,Each,\$1.00
- For impounding sheep,each, 50cents
- For impounding swine,each,50 cents
- For impounding goats,each, 50 cents
- Providing sustenance for horses,perday,each 50 cents
- Providing sustenance for cattle per day,each 30 cents
- Providing sustenance for sheep,goats or swine per day each 15¢
- For notifying owners of animals,25 cents
- For making service of notice of trial,\$1.00

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For writing and posting notice of sale, 50 cents
 Court fees for issuing notice, 50 cents
 Court fees for taking proof and entering judgement, \$1.00
 Court fees for making order of sale, 25 cents
 Legal fees for publishing notices, if any.

Section 13. (Animals trespassing on private property to be impounded By Whom.) Any and all animals hereinbefore mentioned which shall at any time be found trespassing upon any private property within the limits of the city shall be liable to be taken up and restrained by the owner or occupant of such property, his or their child, servant or agent, and to be driven to the city pound, and it shall be the duty of the city poundmaster to receive the same into the pound, to be there dealt with and disposed of in the same manner as though the same had been found running at large according to the provisions hereof.

Section 14. (Unlawful to break open pound or take animal being taken to pound.) Any person or persons who shall in any manner molest, injure or break open any city pound, or any pound belonging to or erected by the city, or who shall aid or assist, abet or advise any person or persons to molest or break open any such pound, or any person or persons who shall let out or rescue or aid or assist or abet in letting out or rescuing any animal or animals which may be impounded in any ~~city~~ such pound shall, upon conviction, be fined in a sum of not less than five (\$5) dollars nor more than one hundred (\$100) dollars for each and every offense.

And any person or persons who shall take from any other person or persons or who shall aid or assist, abet or advise any other person to take from any other person or persons any animal or animals being taken or driven to any pound, shall be, upon conviction thereof, liable to the fine provided for by this section.

Section 15. (Unlawful to let out animal from private enclosure, Penalty.) If any person or persons shall open, let down, break down, tear down or injure, or shall aid, assist or advise in opening, letting down, breaking down, tearing down or injuring any gates, boards, fence, yard, shed, stable, barn or other enclosure or building of any person whereby any animal or animals mentioned herein belonging to any other person shall get out or escape from any building or enclosure, the person or persons so offending shall upon conviction, be subject to a fine of not less than ten (\$10) dollars and not more than fifty (\$50) dollars for every offense.

Section 16. (No person to hinder police, peace officer or private person. Arrest.) Any person or persons who shall directly or indirectly hinder or interfere with the chief of police, any other policeman, peace officer or private person in the performance of his duty under this ordinance, shall upon conviction thereof, before the police magistrate or city justice, be fined in a sum of not less than five (\$5) dollars and not more than one hundred (\$100) dollars; and every police officer so hindered or interfered with in the performance of his duty under this ordinance shall forthwith arrest such person or persons and as soon as practicable take him or them before a magistrate and make proper complaint.

Section 17. (Poundmaster to be appointed. How. When.) That at the first regular session of the city council after the biennial election for mayor, the mayor shall appoint and submit to the council for their approval and confirmation, or within a reasonable time thereafter, a city poundmaster, who shall perform the duties provided for in this ordinance and who shall give a bond in the sum of two hundred (\$200) dollars for the faithful performance of his duties, which bond shall run to the city of Washburn. That said poundmaster shall be entitled for the impounding and keeping of animals the fees provided for in this ordinance; and shall hold office for two years.

Section 18. (City council to designate city pound.) That it shall be the duty of the city council on the appointing and designating of a city poundmaster by the mayor, to designate a pound within the limits of the city of Washburn for the impounding of animals as herein provided.

Section 19.(Repeal) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Read first time, September 9, 1908

Read second time, October 12, 1908

Passed, January 20, 1909

Approved, January 20, 1909
(seal)

Theo. J. Haugeberg,
Mayor.

Attest: Theo. Serr,
City Auditor.

Published-----