

ORDINANCE NO. 167<sup>a</sup>

INTRODUCED BY COMMISSIONER Geo. Berger

AN ORDINANCE TO PROTECT DIKES IN THE CITY OF WARRENTON BY PROHIBITING ANIMALS FROM RUNNING UPON THEM; PROVIDING FOR THE IMPOUNDING OF SUCH ANIMALS WHEN FOUND RUNNING UPON SAID DIKES AND THE SALE THEREOF, AND FOR PUNISHMENT OF THE OWNERS THEREOF; AND REPEALING ORDINANCE NO. 319.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That all of the bovine species, including cows, calves, bulls and steers; all horses, mules, goats and sheep and swine, be, and they hereby are, prohibited from running at large within the corporate limits of the City of Warrenton; and all of said animals are also hereby prohibited from being kept and retained in any inclosure within said corporate limits wherein any improved or unimproved street or streets is or are inclosed, as a part of such inclosure, provided there is also within such inclosure any dike or part of any dike aforesaid, upon which said animals may walk and tramp.

Section 2. Any of the animals described in Section 1 of this ordinance found running at large within the limits of the City of Warrenton, or being kept and retained in violation of Section 1 of this ordinance, may be taken up by the Chief of Police or any duly authorized officer appointed by him, or by any person and delivered to the Chief of Police and impounded or inclosed in a pound or inclosure to be provided for that purpose, and such animal shall be provided with proper care, food, and water while so impounded.

Section 3. That whenever any of the animals mentioned in Section 1 of this ordinance shall be taken up and impounded, the Chief of Police shall give immediate notice of the taking up of such animals with a description thereof either by public-

ation of one notice in a newspaper printed and published in the City of Warrenton and of general circulation therein, or by posting notices thereof in three public places within the city limits of the City of Warrenton, and if any animal or animals so taken up, at the expiration of forty-eight hours from the time of the publication of said notice in the newspaper or forty-eight hours after the notices have been posted, shall remain in the pound, the Chief of Police shall file a complaint with the Auditor and Police Judge stating the place where the animal or animals were found running at large, a description thereof, the fact that notices of taking of the same have been given as required by this section, and that the animal or animals still remain in the pound, and if, upon hearing the complaint the Auditor and Police Judge shall find the facts stated therein to be true and the animal or animals were taken up within the pound limits, he shall order the same sold by the Chief of Police upon public auction upon giving notice of the time and place of said sale by publication in one issue of a newspaper printed in the City of Warrenton at least ~~forty-eight hours~~ <sup>five days</sup> before the time of the sale, or in lieu thereof by posting notices in three public places, giving notice of the time and place of sale, the said notices to be posted at least ~~forty-eight hours~~ <sup>five days</sup> before the time set for said sale. If the owner of the impounded animal or animals is known and resides within the city limits, a copy of said complaint with the notice of the time and place of hearing of the same shall be served upon said owner at least twenty-four hours prior to the hearing of the complaint, and if the owner or owners be unknown or residing without the city limits, the complaint shall set forth that fact, and thereafter there shall be no necessity of any requirement of the complaint or notice of the time and place of the hearing to be served upon

any one. Upon the sale of any animal or animals the Chief of Police shall deduct from the proceeds of the sale \$1.50 as a fee for taking up each animal, and the further sum of 75¢ per day for each day each animal shall be impounded as expenses of keeping said animal, and the cost of advertising, if any, and shall pay the remainder to the Auditor and Police Judge to be held by him for the benefit of the owner of such animal or animals. The Chief of Police within forty-eight hours from the time of the sale of any animal or animals shall make return and file the same with the Auditor and Police Judge, showing that due notice of the sale was given, and that the animal or animals were sold at public auction, and that he give the name or names of the purchasers and the amount paid for each animal.

Section 4. The owner of any animal impounded may take the same from the pound by paying the Chief of Police the sum of \$1.50 for taking the same up and the further sum of 75¢ per day for each day that such animal shall be impounded and the expense of advertising, PROVIDED, that such animal must be taken before sale thereof, as in this ordinance provided.

Section 5. The owner or person having charge of any animal described in Section 1 of this ordinance who shall suffer or allow the same to go at large, contrary to the provisions of this ordinance, shall upon conviction before the Auditor and Police Judge, be punished by a fine of not less than \$5.00 nor more than \$50.00, or by imprisonment in the City jail not to exceed twenty days, or both, at the discretion of the Police Judge.

Section 6. Ordinance No. 319 and all other ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Passed by the Commissioners this 15<sup>th</sup> day of ~~February~~ <sup>May</sup>, 1934.

Approved by the Mayor this 15<sup>th</sup> day of ~~February~~ <sup>May</sup>, 1934.

Attest:

G. Clifford Barlow  
Auditor and Police Judge

W. J. Francis  
Mayor