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Ordinance No. 28

Entitled.

An Ordinance prohibiting unlicensed cattle and horses from running at large within the limits of the City of Warrenton, Oregon. Prohibiting bulls, stags, sheep, swine, goats, stallions and ridgelings from running at large within the limits of said city and providing for the licensing of such cattle and horses as are not prohibited from running at large, and the impounding of all animals running at large in violation of this Ordinance and for the sale of such animals when not redeemed.

The City of Warrenton does ordain as follows:-.

*No steer to run at large without license*

Sec. 1-. No horse, mare, colt, cow, calf, or steer shall be permitted to run at large within the limits of the City of Warrenton, Oregon, without being licensed so to do as in this Ordinance provided,

but this section of the same shall not apply to bulls, stags, sheep, swine, goats, stallions, or ridgelings.

*Cost of licenses*

Sec. 2 -. The owner of every horse, cow, calf, mare, colt, or steer within the limits of said City shall, before permitting any one of the aforesaid animals to run at large, within the meaning of the terms running at large as in this ordinance hereafter defined, apply for, and take out a license for said animal, or animals, by paying to the Auditor and Police Judge of said City the following sums according to the animal or animals to be licensed to-wit:-

For every cow over two years of age Five Dollars (\$5.00), for every <sup>or calf</sup> cow under said age Two Dollars (\$2.00), for every steer over the age of two years Five Dollars (\$5.00), for every mare Five Dollars (\$5.00), for every horse Five Dollars (\$5.00), for every colt under the age of two years Two Dollars (\$2.00) the payment of which sum or sums shall entitle the said owner to a license or licenses from said City permitting the animal or animals for which said sum or sums is or are, so paid to run at large within the hereinafter

prescribed limits of said City until the expiration of the license as hereinafter provided; PROVIDED that nothing in this section of this Ordinance contained, shall permit any animal hereinafter prohibited from running at large to be licensed or to run at large within the limits of said City. "PROVIDED FURTHER" that there be *Every family allowed two Milch Cows for family use only.* and there is hereby allowed to every family within the limits of the City of Warrenton as an exemption from the provision of this Ordinance "Two Milch Cows" provided said cows are owned and used, or kept for use, by said family and for same alone.

*Licenses to be issued by Auditor.*  
 Sec. 3- All licenses shall be issued under the hand of the Auditor and Police Judge, in the name of said City, and shall bear the seal thereof; shall designate the name of the owner or owners, and distinctly describe the animal or animals thereby licensed, and each license shall be issued for the year of issue only, and terminate on the 31st, day of December, of each year of issue.

PROVIDED, however, that if the license fee for each animal is paid and the same can be distinctly described, the owner or owners of any number of animals, may have the same included in one license.

*Auditor to supply list to Marshall*  
 Sec. 4- It shall be the duty of the Auditor and Police Judge on the issuance of any license or licenses under this ordinance, to provide the City Marshal with a list showing the number of the license issued, a description of the animal or animals licensed and the name of the owner thereof.

*Certain animals not to be at large under penalty.*  
 Sec. 5- No bull, stag, sheep, goat, stallion, or ridgeling shall be permitted to run at large, within the meaning of this ordinance within the limits of said City, and any person or persons permitting any such animal to so run at large, shall upon conviction thereof by the Auditor and Police Judge of said City be punished as in Section 12, of this ordinance provided.

*Marshall's duty to enforce*  
 Sec. 6- It shall be the duty of the Marshal of said City, to see that the provisions of this ordinance are enforced, and he may be

assisted by any person who has knowledge of its violation, and any person who shall hinder, molest, or prevent, or attempt to hinder, molest, or prevent, the Marshal or any other person, who may be engaged in enforcing this ordinance from so doing, shall be deemed to be violating this ordinance and shall upon conviction thereof be punished as in Section 12, of this ordinance provided.

*Penalty for hindering Marshal in exercise of duty.*  
 Sec. 7- The Marshal shall, or any other person may, take up and impound in the pound to be provided by said City, any and all animals found running at large within the limits of said City, contrary to the provisions of this Ordinance, and each and every animal so impounded *Impounded animals kept at owners expense.* shall be thereafter, under the control of, and shall be kept and cared for by said Marshal at the expense of said owner of said animal, and the marshal shall immediately after impounding any such animal, or animals, notify the owner or owners of the same if he or they be known, that said animal or animals is, or are impounded, *owner may redeem,* and thereupon the owner may redeem any such animal at any time within three days from the time of receiving such notice, by paying to said marshal for the use of said City, the sum necessary to procure a license on the animal or animals impounded, together with the actual costs of the keep of the impounded animal or animals, during the period of impoundment, and by paying also to the said marshal for his own use and benefit, and as a fee for his services, the sum of One Dollar for each animal and in case of a redemption as in this section provided, the Auditor and Police Judge shall issue the necessary license.

*Unredeemed Animals to be sold*  
 Sec. 8- In case any animal impounded shall not be redeemed within three days, as provided in section seven of this Ordinance the said marshal shall proceed to sell the same in the name of the city of Warrenton, to the highest bidder for cash, to satisfy the costs and expenses of such sale, the fees of said marshal for the keeping of said animal and the costs accruing and incident to said

*Sale to be Advertized*

sale, which sale shall be advertised and conducted in the same manner as the sales of personal property under execution according to the laws of the State of Oregon, except that all sales shall be made at the front door of the City Hall of said City, and the <sup>Proceeds of sale</sup> proceeds of any such sales shall be applied first to the payment of the costs of the sale, then to the fees of said marshal, which shall be the same as in case of a redemption as in section seven of this ordinance provided, and an additional commission of five per cent on the purchase price, for making such sale; then to the payment of the costs of the keeping of said animal, and then a sum sufficient shall be paid to the city from the proceeds of said sale to equal the amount of the license which would have been paid on such animal provided same had been properly licensed, which said sum shall be paid to the said city, and deducted from the said proceeds as a penalty incident to said sale, and not as a license fee, and then the residue if any shall be paid to the owner of the animal so sold at the time of sale, or if said owner be not found the same shall be paid to the city treasurer of said city and by him held in the treasury for the use and benefit of the owner, his heirs or assigns, <sup>Owner may redeem any time before sale</sup> but nothing in this section shall prevent the owner or owners of any animal or animals from redeeming the same, at any time before the sale, on payment of the sums mentioned in Section seven of this ordinance and the additional costs and expenses to the date of redemption; and the owner of any number of animals impounded, shall be entitled at any sale to have any one or more animals, by him designated, sold, to satisfy the charges against the whole, if a sale of less than all will satisfy the same.

*Violation & Penalty*

Sec. 9- Any person permitting any animal of which he has control or of which he is the owner, to run at large in violation of sections 1, 2, or 5, of this ordinance shall upon conviction thereof before the Auditor and Police Judge of said city, be punished as in section 12 of this ordinance provided, and the manager or resident

agent of a corporation, shall be deemed to be the owner for the purposes of this ordinance.

*Definition of "Running at large"*  
Sec. 10- An animal shall be deemed to be running at large within the meaning of this ordinance when the same shall be found within any uninclosed square, park, common, lot, street, lane, alley, public highway, or other public place, within the limits of said city, except that an animal shall not be deemed running at large when it is being led by some person able to control the same, by a rope, chain, or strap, attached to said animal; or when said animal is being driven or ridden by any person, and is under the control of the rider or driver; PROVIDED, however, that any unlicensed animals, herded within any of the above described limits of said city shall be deemed to be running at large within the meaning of this ordinance,

*Outside owners to pay double license fee.*  
Sec. 11- Any horse, mare, colt, cow, calf, or steer belonging to any person, firm or corporation, outside of the city of Warrenton, and which require the benefit of this ordinance, shall be subject to, and shall pay double the license fee provided by Section 2, of this ordinance, and unless the owner or owners of any such animal or animals shall have a manager, or resident agent in said city, no such animal shall be licensed at all, but shall be deemed an unlicensed animal within the provisions of this ordinance.

*Violation & Penalty*  
Section 12, A violation of any of the provisions of this ordinance shall be punished by a fine of not less than FIVE, nor more than ONE HUNDRED DOLLARS, or by imprisonment in the City Jail of said City or other place, provided for the confinement of City Prisoners for a period not to exceed twenty-five days.

*Repealing ordinances in conflict*  
Sec. 13- Ordinance No. 9 and any and all other ordinances or parts of ordinances in conflict with <sup>this ordinance</sup> are hereby repealed.

Passed the Common Council this 6<sup>th</sup> day of April 1905.

Approved this 6<sup>th</sup> day of April 1905;

Sidney Campbell - President  
MAYOR. of Council

Attest.

Asw. Sigurdson

Auditor and Police Judge.

## COMMISSIONERS

W. I. PROUTY  
H. E. BOWEN  
W. N. FRANCIS  
GEO. W. KELLY  
F. M. WILSON

AUDITOR AND  
POLICE JUDGE  
G. CLIFFORD BARLOW

## CITY OF WARRENTON

WARRENTON, OREGON

## MAYOR

F. M. WILSON  
CITY MANAGER  
GEO. W. KELLY  
CITY TREASURER  
G. CLIFFORD BARLOW  
CITY ATTORNEY  
SEN. F. M. FRANCISOVICH  
ASTORIA, OREGON

January 23, 1934

Hon. F. M. Franciscovich,  
Attorney,  
Gunderson Bldg.,  
Astoria, Ore.

My dear Frank:

We are enclosing herewith:

|               |      |              |     |    |        |                 |
|---------------|------|--------------|-----|----|--------|-----------------|
| Ordinance No. | 28-- | Approved the | 6th | of | April, | 1905            |
| "             | "    | "            | "   | "  | 15th   | of May, 1922    |
| "             | "    | "            | "   | "  | 20th   | of May, 1917    |
| "             | "    | "            | "   | "  | 6th    | of August, 1929 |
| "             | "    | "            | "   | "  | 16th   | of July, 1929   |
| "             | "    | "            | "   | "  | 6th    | of Jan., 1931   |

all pertaining to cattle running at large, either in the streets and/or on the dikes within the City of Warrenton.

We respectfully ask that you familiarize yourself with the features of all these ordinances and then prepare to draw up an ordinance which will simplify the method of disposing of cattle taken up by the "Chief of Police", reducing the first fee to one dollar and a half (\$1.50) per head and the feeding cost to seventy-five cents (75¢) per day, per head. We also want to particularly cover stock found running on dikes within the City of Warrenton as discussed at the last commission meeting.

I note that years ago we licensed cattle in the city. It may be well if we cannot maintain our pasture contract to be prepared to license cattle to pasture unimproved streets (if we can legally do so) and thus place ourselves in a position to directly deal with all persons desiring to run cattle, horses, etc. within the City of Warrenton or to definitely renew our contract with the County Court to have exclusive right to make pasture leases with individuals covering property within the City of Warrenton.

In this entire problem we desire your business judgement as well as your legal guidance.

Yours very truly,

*G. Clifford Barlow*