

**Ordinance No. 25**

Repealed by Ordinance 1028

ORDINANCE NO. 25.

An ordinance relating to the running at large and the impounding, sale and redemption of animals.

Passed Aug. 11, 1908.

Milwaukie does ordain as follows:

Section 1. It shall be unlawful for any person at any time to allow any horses, mules, cattle, sheep, swine or goats owned by them or in their care, to run at large in the streets, highways or alleys of the incorporate limits of Milwaukie, Clackamas County, Oregon.

Section 2. Any of the animals described in Section 1 of this Ordinance, found running at large, or trespassing on any property without permission of the owner or agent in charge of same, or found doing damage, may be taken up by any person, and either taken to the city pound or delivered to the chief of police or other person appointed by the city council to take charge of estrays.

Section 3. It shall be the duty of the chief of police to have charge of the city pound, to receive and care for all animals committed to his charge or found by him running at large, in violation of Section 1 of this Ordinance, and see that such animals have proper forage and water, and he shall use due diligence to find the owner of said animals. He shall keep a book in which he shall register a description of all animals taken up by or delivered to him for commitment, which description shall be set forth when received or taken up, the kind of animal, the approximate age, color, marks, brands and such other description as may aid the owner to identify his animal, a true copy of which, he shall forthwith post on the bulletin board at city hall, at the Post Office and on the pound inclosure.

Section 4. If any animal so taken up or committed shall be unclaimed at the expiration of three days from the date of such commitment in the case of horses, mules or cattle, or of one day in the case of any other animal described in Section 1 of this Ordinance, the chief of police shall sell such animals at public auction to the highest responsible bidder, after posting a notice giving a description of such animal, and the date and place of sale, such notice to be posted at least three days before such sale, upon the bulletin board at city hall, at the Post Office, and on the city pound, the net proceeds of such sale, after deducting the fees, costs and expenses, allowed by this Ordinance, shall be paid to the city treasurer, and placed by him in the general fund.

Section 5. If at any time, before the sale, the owner of any animal so taken up shall claim the same, he or she shall be entitled to the possession thereof, upon the payment of charges, costs and expenses incident to such taking up and keeping.

Section 6. Any person taking up or committing to the chief of police any of the animals set forth and described in Section 1, of this Ordinance, shall receive a fee of one dollar in the case of horses, mules or cattle, and ten cents in the case of any other animal mentioned in said Section. The chief of police shall be entitled to receive a fee of one dollar for impounding, registering and posting up of notices in the case of horses, mules or cattle, and twenty-five cents in the case of any other animal. The fee for feeding animals shall be fifty cents a day for horses, mules or cattle, and ten cents per day for any other animal. The chief of police, in addition to the fees mentioned, shall receive ten per cent. of the proceeds of any sale of such animal; the fee mentioned in this Section to be collected from the owner of such animal, if he or she deems the same, or to be paid out of the amount from the sale of the same, and not otherwise.

Section 7. The owner of any animal sold under the provisions of this ordinance, who shall at any time within one year of the date of such sale, make satisfactory proof of his ownership, shall be entitled to the net proceeds, as received by the city treasurer, from such sale, by a warrant drawn on the general fund of the city.

Section 8. It shall be unlawful for any person to take his own animal, or that of any other person, out of the custody of the chief of police, or any person who has found the same running at large, and has taken it up with the intention of impounding the same, or out of the city pound, by stealth or force, or to interrupt or hinder any one while in the discharge of his duties under the provisions of this ordinance.

Section 9. It shall be unlawful for any person to maliciously or mischievously secrete or impound the animal of another, or to maliciously aid or abet therein.

Section 10. It shall be the duty of the chief of police to keep an accurate account of all the receipts and disbursements, and make a full and detailed report of his proceedings to the city council quarterly, stating therein the number of animals impounded, the number sold, to whom sold, amount received therefor, the amount received and paid for forage, and the amounts paid to persons as fees for taking up of animals, and the net proceeds paid to the city treasurer.

Section 11. Any person who shall violate any of the provisions of Section 1, 8 and 9 of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction before the recorder or mayor, shall be fined in any sum not exceeding One Hundred Dollars, or by imprisonment in the city jail for any term not exceeding fifty days or by both fine and imprisonment.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1908.

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Mayor of the town of Milwaukie.

State of Oregon,            )  
                                  ; ss.  
County of Clackamas.    )

I, hereby certify that the foregoing is a true and correct copy of the whole of Ordinance No. 25, relating to stock running at large, passed on the 11 day of Aug, 1908.

J. A. Beck  
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Marshall.