

Ordinance No 208

Ord 208  
Rep 1507  
Amend 309

An ordinance relating to certain animals running at large within the limits of the City of Albany, and providing for the taking up, impounding and selling all such animals, when found so running in said City, and to define what shall constitute a running at large of any such animals in said City, to regulate the driving of such animals through the streets and alleys thereof, and to provide for the election of Poundmaster and regulate his fees and duties

The People of the City of Albany do ordain  
as follows:

Ord 309

Section 1. Hereafter no horse, mare, jack, jennet, mule, sheep, cow, heifer, bull, calf, hog or any kind of cattle shall be allowed to run at large or to be herded in any of the streets, alleys, or public places in the City of Albany, or upon any private premises therein, except those of the owner or owners of such animals, unless when being driven through said City for shipment or other purposes as provided in Section 2, of this ordinance, unless the owner or owners of person in the possession or control of such animal or animals shall first obtain permission of the owner or person in the control of such private premises, or his agent or the occupant thereof.

Section 2. Any person or persons may drive any of the animals mentioned in Section 1. of this ordinance, through any street or alley of said City, for the purpose of shipment or for the purpose of moving such animals from one place to another, taking care however that such animal or animals are kept within the streets or alleys of said City when being so driven or moved therein, and if any person or persons shall drive or move any such animals or animals through said City in such a careless and negligent manner as to allow such animal or animals to do any damage to any person or property therein, such person shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorder's Court, shall be fined not less than \$5<sup>00</sup> nor more than \$20<sup>00</sup> or to

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imprisoned in the City jail not less than 2 days nor more than 10 days, or be punished by both such fine and imprisonment at the discretion of the court.

Section 3. It is hereby made the duty of the Council to elect a suitable person to fill the office of Poundmaster, who shall hold such office during the pleasure of the Council, or until his successor shall be elected and qualified.

Section 4. If any of the animals mentioned in Section 1. of this Ordinance, shall at any time be found running at large within the limits of said City, the same shall be taken up by the Poundmaster, or any other officer or person in the said City, and delivered at once to the Poundmaster and shall be kept by the Poundmaster in a good and safe place.

Section 5. It shall be the duty of the Poundmaster, after taking up of any such animal, as hereinbefore provided to immediately post up notices in at least three public places in the City for five successive days, giving a correct description as may be of such animal, including natural and artificial marks thereon, and its color, size and apparent age, said notices shall also contain a statement of the time when and place where, such animal will be sold, and upon what terms such sale will be made if not claimed as hereinafter provided, but such sale shall not take place within less than six days from the date of posting such notices. Such sale shall be for cash in hand in United States Gold Coin, and said notices shall so specify, and to the highest bidder at public auction.

Section 6. If before such sale takes place, the owner of such animal shall prove the same to be his, or that he is entitled to the possession thereof, he shall be entitled to take the same upon paying to the Poundmaster the sum of 75 cents per day for each day he shall have kept such animal after the taking up thereof, and his fees for posting

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the notices of such sale, and one dollar for such taking up.

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Section 7. If such Animal remains unclaimed until the day of sale thereof, or if the owner or person entitled to the possession thereof, fails or refuses to pay the Pound Master the Charges against the same as herein provided in Section 6 of this Ordinance, the Pound Master shall proceed to sell such Animal or Animals at the time appointed for such sale, in the manner specified in such notices, and after deducting his legal fees, and all costs and expenses of taking up, keeping and selling the same, he shall pay the remainder of the proceeds of such sale to the City Treasurer and take his receipt therefor.

Section 8. If the owner or person entitled to the possession of any Animal so sold, under the provisions of this Ordinance, shall, at any time within six months after the date of such sale, make satisfactory proof of his title to such Animal or Animals, to the City Council, he shall be entitled to receive the proceeds of such sale, in deposit in the City Treasury; but if no such proof be made within six months from the date of such sale, such proceeds shall thereafter be the property of the City of Albany.

Section 9. A running at large of any animal mentioned herein, within the limits of the City of Albany, for all the purposes of this Ordinance, is hereby defined to be the running or being, unrestrained, of any such Animal in any street or alley of said City, or on any premises therein, not owned by or under the control of the owner or keeper or person in control of such Animal.

Section 10. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall take effect and

be in full force and effect from and after its approval by the Mayor

Passed the Council April 14<sup>th</sup> 1891.

Approved. April 16<sup>th</sup> 1891.

Attest:

W. J. Heaton  
Recorder of the City of Albany.

J. L. Corrau  
Mayor.

State of Oregon } S.S.  
County of Linn }

Office of City Recorder

I W. J. Heaton Recorder of the City of Albany Oregon do hereby certify, that the foregoing Ordinance No 208 has been by me carefully compared with the original Ordinance bill No 218 now on file in this office, and that it is a true and correct copy of all and the whole of said Ordinance bill No 218 as passed by the Council April 14<sup>th</sup> 1891.

In testimony whereof I have hereunto set my hand, and affixed thereto the seal of the City of Albany this 16<sup>th</sup> day of April A. D. 1891.

W. J. Heaton  
Recorder of the City of Albany.

