

ORDINANCE NO. 5.

An Ordinance to provide for the impounding of domestic animals found running at large within the limits of the City of Polson, and providing rules and regulations governing same.

Be it ordained by the council of the City of Polson.

(Section 1. The chief of police of the city of Polson, shall be poundmaster, who shall establish at the city's expense a pound) the location of which shall be published for one week in a city paper.

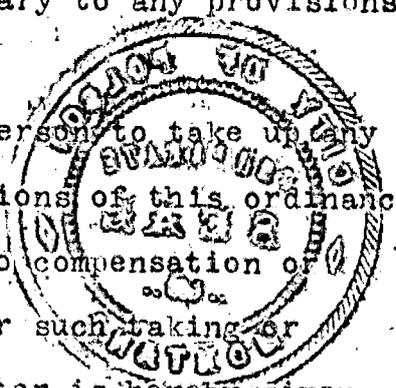
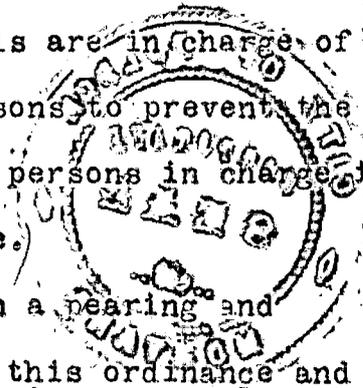
Section 2. (The herding or running at large of horses, mules, sheep, colts, swine or cattle or such other animals upon the street, avenues, alleys, parks or public places or grounds within the city of Polson, or the herding of such animals on any uninclosed private grounds within the said city, unless such animals are in charge of a sufficient number of competent and discreet persons to prevent the escape of such animals from the control of the persons in charge is hereby prohibited, and declared to be a nuisance.)

Section 3. Provided, however any person appearing and claiming any animals taken for the violation of this ordinance and proving to the satisfaction of the poundmaster before such animals has been sold as hereinafter provided that he is the owner of such animals, may have the same delivered to him upon the payment of the cost occasioned by the impounding as herein provided.

Section 4. (It shall be the duty of the poundmaster to take up and impound any such animals known to him to be within the city limit contrary to the provisions of section 2 of this ordinance or running at large within the city contrary to the provisions of this ordinance and for each refusal or neglect so to do shall forfeit and pay a penalty of ten dollars, and is hereby made the duty of the police officer to take up and impound all animals running at large contrary to the provisions of this ordinance, and contrary to any provisions in section 2.)

Section 5. It shall be lawful for any person to take up any animal running at large contrary to the provisions of this ordinance and to take the same to the poundmaster, but no compensation or reward shall be paid directly or indirectly for such taking or delivery; provided, however, that the poundmaster is hereby given the authority to hire a sufficient number of persons to assist him at such times as it is by him deemed necessary, which help shall be paid as other bills are paid, by warrants drawn on the city treasury.

Section 6. (Any person who shall take or drive any such animals



from any inclosure, lot or tract of ground, or from any stable or other building, or from outside the city limits to within the city limits, to any pound in the city, or with the intent that such animals shall be impounded, shall be liable to a fine not less than five dollars or more than twenty five dollars for each animal so taken or driven from the places aforesaid.)

Section 7. (It shall be the duty of the poundmaster to receive into such pound all animals brought there, in pursuance of the provisions of this ordinance, to take care and properly feed all animals impounded, to deliver to the owner thereof all such animals as may be redeemed by such owner, give notice of such impounding to the owner when known, and all animals not redeemed within twenty-four hours after the same are impounded, Sundays excepted, forth-with after the expiration of the said twenty four hours, to post three notices in three public places in the said city in substance as follows:)

Taken up and impounded in the city of Polson, the _____ day of _____ which will, if not redeemed before sale, be sold at public auction to the highest bidder for cash, at the city pound, at the hour of ten o'clock in the ~~forenoon~~ *forenoon* on the _____ day of _____ Poundmaster. The day of sale fixed in such notices shall be the tenth day after the animal or animals therein mentioned were impounded, except when sale would fall on Sunday, a holiday or election day, then in that event the following day, and if the said animal or animals are not redeemed, authority is hereby given the said poundmaster to sell the same in accordance with such notice.

Section 8. (The poundmaster shall collect the sum of one dollar for each animal impounded, and fifty cents for feeding such animal each day the same may be kept, and fifty cents for each notice posted which sum must be paid by the owner of the animal before the same can be redeemed, and the amount when collected must be paid by the poundmaster into the city treasury.)

Section 9. The moneys collected as herein provided shall be appropriated to the contingent fund for the purpose of defraying the expense of said pound, and the payment of any help that may be required to assist the said poundmaster in his duties.

Redeem (Section 10. The owner of the animal impounded may redeem the same at any time before the sale by paying the poundmaster the fees and costs as herein provided. And at any time within three months after the sale by paying to the purchaser the purchase price and an

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additional sum of five per cent of the purchase price per month as a penalty, provided, that said penalty shall not be less than two dollars on each animal.

Section 11. (Any person breaking open or otherwise injuring or in any manner directly or indirectly, aiding, counseling or advising the breaking open or injuring the city pound, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not more than one hundred dollars and stand committed until the same is paid.)

Section 12. (Any person who shall hinder, delay or obstruct the poundmaster or police, or other persons while engaged in taking to the city pound, any animal or animals liable to be impounded, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars, nor more than fifty dollars, for each animal so being taken, and shall be committed until such fine is paid.)

Section 13. The poundmaster shall not purchase or be interested directly or indirectly in the purchase of any animal sold by him under the provisions of this ordinance, under a penalty of twenty-five dollars for each animal, and the forfeiture of his office.

Section 14. At the first meeting in each month of the council, the poundmaster shall render to the council a full statement on oath, of the animals received by him into the pound, of those sold by him, and the amount of the proceeds of the sales thereof respectively, and of the moneys received by him as such poundmaster during the month, and shall pay to the city treasurer all the proceeds of the sales under this ordinance, and all fines collected for the city, and at present to the council with the statement, the treasurer's receipt thereof. The poundmaster shall keep a record book in which shall be entered from time to time all the matter required to be shown by his statement, and a minute description of each animal taken up or sold, the amount of costs taxed to each animal, and the amount each animal was sold for, and the purchaser and the date of the sale. And if any animal is redeemed a receipt shall be taken by him from the party redeeming. And shall also give to the purchaser a certificate of sale, showing the sale, the amount paid, a description of the animal sold, and the date of the expiration of the time for redemption.

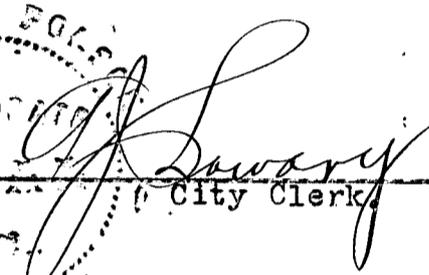
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Section 15. The owner of any animal sold under this ordinance may receive a warrant for the amount of any surplus money paid to the to the treasurer as proceeds of the sale of such animals, on satisfactory evidence of his right thereto being presented to the

council at any time within one year after the sale thereof.

Section 16. No person shall establish a corral or herd within the city limits without first obtaining a permit from the city council, and the council shall from time to time designate the places where such corrals shall be located; and any person so offending shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than five dollars or more than fifty dollars, and shall be responsible for damages done by said animals.

Section 17. Whereas, an emergency exists and it is immediately necessary for the preservation peace, health and safety of the inhabitants of the city of Polson, this Ordinance shall take effect immediately upon its passage and approval according to law.

Passed and approved this 22nd day of July 1910.

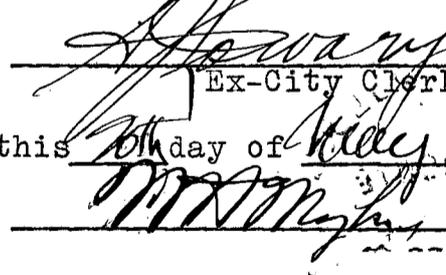
Attest: 
City Clerk


Mayor.

State of Montana () ss
County of Flathead ()

A.J. Lowary, being first duly sworn on his oath says: I am a citizen of the United States, over the age of twenty-one years and was at the time mentioned, in this affidavit, the City Clerk of the City of Polson, in said County and State; that on the 23rd day of July, 1910, I posted a copy of the foregoing Ordinance No. 5 in three of the most public places in said City, to-wit: One of said copies in the lobby of the Post Office in said City; one of said copies at the front of the Polson Hotel in said City; one of said copies at Ed. Nash's Pool Hall in said City and one of said copies at the office of the City Clerk, of said City, A.J. Lowary's office; that each of said copies so posted by me was a true, full and correct copy of said Ordinance and of the whole thereof.

Defendant's Exhibit 1


Ex-City Clerk


Subscribed and sworn to before me this 20th day of July, 1910

Notary Public For The State of Montana
Residing at Polson, Montana,
My Commission Expires Sept 6th, 1917.

Note - See Ordinance No 124 amending Section 8 - passed and approved December 1917.