

ORDINANCE NO. 11.

An Ordinance entitled "An Ordinance to Prevent Certain Animals and Fowls from Running at Large, or From being Herded upon the Streets or Roads of Hood River, and Providing for the Impounding and Sale of Such Animals".

Be it Ordained by the Common Council of the Town of Hood River:

Section 1. No person or persons, owning or being in the possession of any horse, mare, gelding, mule, cattle, sheep, hog, goat, chicken, turkey, goose, duck or other fowl, shall permit or allow the same to run at large within the corporate limits of Hood River, or shall permit or allow the same to be herded upon any of the streets or roads of Hood River, and it shall be the duty of the marshal to take up any such animal found running at large or herded as aforesaid, and impound the same in some place to be provided by the marshal. At any time thereafter prior to the sale of such animal the owner or owners, or persons entitled to possession thereof, shall have the same released to them, upon the payment of all costs, charges and expenses which shall have accrued up to the time of such payment.

Section 2. Upon taking up or impounding any animal ~~under~~ under the provisions of this ordinance the marshal of Hood River shall forthwith prepare four notices which shall be substantially as follows, to wit:

Notice is hereby given that I did on the -----day of -----, in Hood River take up (here give a description of property taken up) and that I will, on the -- day of -----, at the hour of one o'clock P.M. of said day, in front of my office in Hood River Oregon, sell said property, at public auction, to the highest bidder, for cash in hand.

(Signed)

Marshal of Hood River.

One of said notices shall be filed in the office of the ^{cash} recorder of Hood River, one shall be posted in front of the marshals office, one shall be posted at the post office in said town, and one shall be sent to the owner or owners of the property taken up, if known to the marshal. Such notices shall be posted and given for not less than ^{five nor more than} ten days, and the time shall be computed by excluding the first and including the last. If said property be not redeemed, it shall be sold in accordance with the notice of sale, and such sale shall have the effect to vest a complete title in the property sold to the purchaser thereof.

Section 3. Any one having an interest in the property taken up or impounded who shall feel himself aggrieved thereby, may at any time before the sale thereof takes place, make an affidavit before the recorder, ^{Notary Public} of Hood River, setting forth his interest in such property and the facts in relation thereto as claimed by him, and have the same tried out before said recorder, ^{P. J.} and if it appear to said recorder ^{P. J.} that said property ought not to have been taken up or impounded, the recorder shall make an order discharging the property so taken up or impounded ~~or~~ without charge to the claimant. If on the other hand, it shall appear to the recorder ^{P. J.} that the taking and impounding was proper and rightful, he shall dismiss the proceedings and enter up a judgment against the claimant for all costs, charges and expenses made on such trial, and the same shall be paid out of the proceeds of the property taken up when sold, and if said property shall not be sufficient to pay the same the recorder shall issue execution upon the judgment for whatever sum remains unpaid.

Section 4. The marshal shall upon the sale of any property, file a certified statement with the recorder of said town containing, 1st, a brief description of the property sold; 2d, the amount received for the same; 3d, the name or names of the purchasers thereof; 4th, an itemized statement of his own and the recorder's fees, ^{of the Notary Public} and charges and expenses; 5th, the amount paid the treasurer. Which statement shall be entered in a book kept by the recorder for that purpose, and shall be at all times open for inspection by ^{any} ~~the~~ party interested.

Section 5. The proceeds of any sale shall be paid forthwith by the marshal to the treasurer of Hood River, less his own fees, all costs, charges and expenses and the fees of the recorder. The marshal shall file a receipt therefor with the recorder of Hood River. In all cases where the amount ~~is~~ received upon the sale of any animal, or from the fines imposed under this ordinance, shall not be sufficient to pay the fees, expenses and charges of the marshal and recorder, the amount so received shall be apportioned between said officers in proportion to the amount due each, and the town shall not be liable to them for any greater amount.

Section 6. The marshal, beside the actual expense of keeping any animals ~~is~~ taken up or impounded under this ordinance, shall be entitled to recover as his legal fees, the sum of one dollar per head for horses, geldings, ~~mares and~~ ~~and~~ ~~and~~

mares, mules and cattle; fifty cents per head for swine, sheep and goats, and ten per cent of any sale.

Section 7. The recorder of Hood River shall receive as his legal fees under this ordinance, ten cents for filing notice of sale, ten cents for filing treasurer's receipt, fifty cents for entering the certified statement of the marshal, and ten cents for filing the same; fifty cents for docket entries in any one case, and three dollars for hearing any contested case, to be paid by the contestant in advance.

Section 8. Any person or persons found guilty of violating this ordinance in any way, shall, upon conviction thereof before the recorder's court, be fined in any sum not less than five, nor more than ten dollars.

Section 9. The owner or owners of any property sold under the provisions of this ordinance, shall, at any time within one year from the date of sale upon satisfactory proof to the common council of such ownership, be entitled to an order on the town treasurer for the net proceeds of such sale, deposited as aforesaid.

Passed the common council of the town of Hood River
the 11th day of June A.D. 1895 and approved by us this 13th day of
June 1895

G. M. Wolfard
Mayor

Attest:
C. P. Heald
Recorder