

*Amended  
by Ord. No. 159  
Section 67*

*Repealed by 2168*

*6 pt*

*139*

ORDINANCE NO. 139.

1 AN ORDINANCE to regulate the keeping of certain animals ~~and~~  
2 ~~and~~ within the limits of the Town of Kirkland, \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

5 providing for the impounding of animals and ~~and~~ found running at  
6 large in violation of this ordinance, and for the sale and redemption  
7 of the same, and providing penalties for the violation of the pro-  
8 visions of this ordinance.

9 BE IT ORDAINED BY THE TOWN OF KIRKLAND AS FOLLOWS:

10 Section 1. ANIMALS AT LARGE. \_\_\_\_\_

11 That it shall be unlawful for any person, firm, company or corporation  
12 to permit any horses, cattle, mules, swine, sheep, goats ~~or fowls~~  
13 to run at large within the limits of the Town of Kirkland \_\_\_\_\_

14 *between the hours of <sup>eight (8)</sup> p.m. and*  
15 *seven a.m. in the months from <sup>April</sup>*  
16 *to March inclusive, and from <sup>June</sup> (9)*  
17 *p.m. to 7 a.m. during the months from*  
18 *April to Sept inclusive*  
19 \_\_\_\_\_

20 Section 2. Animals ~~and~~ ~~and~~, as above described, shall be deemed  
21 running at large within this ordinance when off the owner's premises  
22 and not within his immediate control.

23 Section 3. The Marshal of the Town of Kirkland, or any person  
24 who ~~may~~ be appointed in writing by him, may seize and impound any  
25 cattle, horse, sheep, swine, goats, ~~and~~ or other animals astray  
26 or running at large within the limits of the Town of Kirkland.

27 Section 4. The Marshal, or any person who may be so appointed  
28 by him for the purpose may detain at the public pound or other  
29 suitable place any stray animal ~~or fowl~~ named in or reasonably to be  
30 considered as included within the provisions of this ordinance until  
31 the owner has substantiated his right to such animal to the satis-

*Repealed see 203 ord.*

1 faction of the Marshal, or any other person appointed by him for the  
2 purpose, or in case of dispute as to ownership before any court of  
3 competent jurisdiction, subject to the penalty, fees and costs  
4 prescribed by this ordinance. The Marshal shall be entitled to  
5 charge the owner of any impounded animal fifty (50) cents for each  
6 day or part of day from midnight it is detained for the care and  
7 feeding thereof, and shall take proper means to insure its proper  
8 care and feeding, and he shall charge an impounding fee of ~~One~~  
9 (~~\$1.00~~) Dollar for each impounded animal, ~~and twenty five (25) cents~~  
10 ~~for each impounded fowl~~, such fee to be paid into the Town Treasury  
11 as other fines and fees are paid.

12 Section 6. If at the expiration of two days any impounded animal  
13 ~~or fowl~~ shall not be released by the claimant by the payment of  
14 costs and fees herein provided, the Marshal shall proceed to give  
15 fifteen (15) days notice by one publication in the official newspaper  
16 of the Town of Kirkland, of a time and place when and where he will  
17 expose the said animal, ~~or fowl~~, to sale by public auction, at  
18 which time and place he shall expose at public auction such animal  
19 ~~or fowl~~ for sale, and out of the proceedings pay all of the expenses  
20 aforesaid, and all other necessary expenses and pay the residue to  
21 the Town Treasurer. The said notice shall describe the said  
22 animal ~~or fowl~~ with reasonable certainty, and shall state to whom,  
23 , if any one, the Marshal believes said animal to belong, and if  
24 the name of the owner is wholly unknown to the Marshal that fact shall  
25 be stated in said notice. If such owner shall be known to the  
26 Marshall, and can with reasonable diligence be found in the Town a  
27 copy of such notice shall be served upon him or her at least one day  
28 prior to the sale.

29 Section 7. In case any owner or claimant of any animal ~~or~~  
30 ~~or fowl~~ impounded shall apply for the release of said animal ~~or fowl~~  
31 at any time before sale he shall pay in addition to the costs and

1 expenses heretofore provided for, all costs of publication, notice  
2 and service of notice, if any, and any other necessary expenses.

3 Section 8. At any time within six months from the date of the  
4 sale of any animal ~~or fowl~~, the former owner thereof, upon proper  
5 application to the Town Treasurer, and upon satisfactory proof to  
6 such Town Treasurer that he is the former owner, may receive the  
7 residue of the proceed of the sale provided for in Section 6 hereof,  
8 after deducting all costs and expenses, and if at the expiration  
9 of said six months the former owner shall not have applied to the  
10 Town Treasurer as provided for in this Section, then said Town  
11 Treasurer shall pay said residue into the general fund and delay  
12 action thereafter.

13 Section 9. Any person who shall hinder, delay or obstruct the  
14 Town Marshal, or any person appointed by him, for the purpose, while  
15 engaged in driving or taking to the pound any animal ~~or fowl~~ liable  
16 to be impounded, shall, for each such offense, on conviction thereof,  
17 be punished by a fine of not less than Ten (\$10.00) Dollars nor  
18 more than Fifty (\$50.00) Dollars, or imprisonment in the town jail  
19 for a term not exceeding thirty (30) days, or by both such fine and  
20 imprisonment in the discretion of the court.

21 ~~Section 10. Any person, firm, company or corporation who shall~~  
22 ~~permit any of the animals or fowls mentioned in section 1 hereof~~  
23 ~~to run at large in violation of the provisions of this ordinance,~~  
24 ~~shall be deemed guilty of a misdemeanor and upon conviction thereof~~  
25 ~~shall be fined in a sum not less than ten (\$10.00) Dollars nor~~  
26 ~~more than Fifty (\$50.00) Dollars, or imprisonment in the Town jail~~  
27 ~~for a term not to exceed thirty (30) days, or by both such fine~~  
28 ~~and imprisonment within the discretion of the court.~~

29 Section 11. This ordinance shall take effect and be in force  
30 from and after its passage and approval by the Mayor and its publi-  
31 cation; otherwise it shall take effect at the time it shall become

1 an ordinance under the law.

2 PASSED by the Town Council the 18 day of May  
3 1913 and signed by me in open session in authentication of its  
4 passage this 18 day of May 1913

5 \_\_\_\_\_  
6 Mayor.

7 Approved by me this 18 day of May 1913

8 A. B. Jewell  
9 \_\_\_\_\_  
10 Mayor.

11 Filed by me this 18 day of May 1913

12 J. B. Stewart  
13 \_\_\_\_\_  
14 Clerk.

15 (opt on 10)  
16 This ordinance takes effect on and after  
17 July 1st 1914