

ORDINANCE NO.10

AN ACT TO RESTRAIN AND PROHIBIT THE RUNNING AT LARGE OF HORSES, MULES, SWINE, AND SHEEP WITHIN THE LIMITS OF THE VILLAGE OF CARLTON, CARLTON COUNTY, MINNESOTA AND PROVIDING PENALTIES TO BE IMPOSED UPON CONVICTION OF THE VIOLATION OF THIS ORDINANCE AND PROVIDING FOR IMPOUNDING AND SALE OF SAID ANIMALS.

The Village Council of the Village of Carlton do ordain as follows:

- Sec. 1 That from and after the passage and publication of this ordinance no horses, mule, swine or sheep shall be allowed to run at large or be at large upon any of the streets, avenues, lanes or alleys, parks or public places or grounds of said Village, and it is hereby made unlawful for any such horses, mules, swine or sheep to run at large upon any of the streets, avenues, lanes, alleys, parks or public grounds of said Village.
- Sec. 2 No person or persons, firm, company or corporation or co-partnership owning or being in the possession of or having the control of any horses, mules, swine or sheep, shall allow the same to run at large or to be at large upon any of the streets, avenues, lanes, alleys, parks or public grounds of said Village and it is hereby made unlawful for any person or persons, firm, company, co-partnership or corporation owning, being the possession of or having the control of any horses, mules, swine or sheep to allow the same to run at large or to be at large, upon any of the streets, avenues, lanes, alleys, parks or public grounds of said Village.
- Sec. 3 It is not the intention of said Council and nothing herein shall be construed to prevent the taking, moving and driving of any number of horses, mules, swine or sheep along and through the said streets, avenues, lanes, alleys of said Village, from one point or place to another, but such horses, mules, swine and sheep must be moved and driven right along and not be allowed to roam and graze while being so moved and driven.
- Sec. 4 Any person or persons who shall violate any of the provisions of this ordinance, upon conviction thereof before any Justice of the Peace in and for the said Village, shall be fined in the sum of not less than One Dollar nor more than Twenty five dollars with costs of suit, and in default of payment of said fine and costs, the person or persons so convicted shall be committed to the Watch house of jail of said Village or the County Jail of said County until such fine and costs are fully paid, but not to exceed ninety days.
- Sec. 5 The Village Council of said Village shall immediately cause to be made and prepared a Village Pound, in which pound all horses, mules, swine or sheep found running at large within the corporate limits of said Village, upon any of the streets, avenues, lanes, alleys, park or public grounds of said Village shall be placed, confined and kept, and it shall be the duty of the pound master or person in charge of said pound, to take any horses, mules, swine or sheep he may find running at large in said Village and confine them in said pound.
- Sec. 6 Immediately within twenty four hours after the impounding of such animals as provided for in section 5 of this ordinance in case the same are not reclaimed, and the costs and damages paid by the owner thereof or by the person entitled to their possession, as hereinafter provided, the said pound master or person having in charge said pound shall give notice of the seizure and impounding if such animals which notice shall be in writing and describe the said animals so seized and impounded. Said notice shall be posted in three of the most public places in said Village, one of which places shall be the Post Office and one the County Court House or the place where the County offices are kept in said Village.

- Sec. 7 Said Pound master or person having in charge said pound, shall provide suitable food and water for such impounded animals and in case the same are not reclaimed and taken by their said owners, or keepers are herein provided, he shall cause a notice similar to the one posted, to be published in the next issue of the official newspaper of said Village, which said notice shall describe said animals, state the date of their seizure and impounding, notify the owner or person entitled to their possession, to reclaim them, and pay all costs, damages and assessments, and that in case the same are not reclaimed within ten days they will be sold according to the conditions of this ordinance.
- Sec. 8 At the expiration of ten days from the said seizure, and impounding, of said animals, if no person appear to reclaim them and pay all costs, charges and assessments, or if the person appearing and claiming said animals shall refuse to pay said costs, charges and assessments as herein fixed, the said pound master or the person having in charge said pound shall proceed to sell said animals according to this ordinance.
- Sec. 9 The said pound master or person having in charge said pound shall give notice of said sale by publishing the same for two consecutive weeks in said Village newspaper ~~viz~~ - The newspaper in which the official proceedings of said Village Council are published, and in case there is no such paper, then in some daily or weekly newspaper printed and published in said County. Said notice shall be similar to the one so posted and published as above required, it shall contain a description of said animals to be so sold, the date of their seizure and impounding, a notice to the owner or person entitled to their possession, to appear and redeem them, and the day and hour and place of said sale, which day shall not be less than fourteen full days from the date of said notice, and which hours shall be between the hours of nine o'clock in the forenoon and four o'clock in the afternoon.
- Sec. 10 If said animals are not reclaimed and all costs, charges, and assessments thereon paid before the hours fixed for said sale the said pound master or the person having in charge the said pound, shall proceed to sell them, the Village Marshall or Deputy Village Marshall acting as Auctioneer, and the said animals shall then and there at said pound, be sold at public auction to the highest bidder for cash, but in no case shall said animals be required to be sold for a less sum than the said costs, charges and assessments then and there taxed against them.
- Sec. 11 Immediately after the sale of said animals as above mentioned the said poundmaster or the person having in charge said pound shall pay into the Treasury of said Village the full amount of costs, charges and assessments, so received from said sale in case the full amount is received which sum shall be credited to and become part of the general fund of said Village. If said animals shall be sold for more than sufficient to pay the full amount of said costs, charges and assessments, the balance after deducting said costs, charges and assessments shall be deposited with said Village Treasurer of said Village who shall hold the same subject to the order of owner of said animals or the person proving himself entitled to receive the same. At the expiration of sixty days after said sale, if said money is not applied for, the same shall be credited to and become a part of the general fund of said Village.

- Sec. 12 Any person or persons, firm, company or co-partnership or Corporation desiring to redeemsaid animals so seized and impounded may do so as follows: If the application to redeem is made before said sale the applicant shall pay to said poundmaster or person in charge of said pound, first the sum of \$1.00 the fee and costs of the distraining and impounding of each of said animals and the saidsum shall be paid for each animals so impounded. Second, said applicant shall also pay in addition to the paidOne dollar, the further sum of twenty five cents for each twenty four hours or portion thereof that said animals are so impounded, the said sum of twenty five cents being for the care and feed of said animals, and shall be paid for each animal so impounded. Third, said applicant shall also pay to said poundmaster or person having in charge said pound, the further sum of fifty cents for posting said notices as above provided, and shall also pay the full printers fees for publishing said notices as above provided. If said application is not made until after said sale the said applicant shall pay to the purchaser of said animal the full price and sum paid for the said animal by said purchaser at said sale, together with interest thereon from the date of said sale to the date of redemption at the rate of seven per cent per annum and the further sum of fifty cents for each day that said purchaser has kept said animal, but in no case shall any such person be required to return each animal and deliver the same up, after the expiration of thirty days from said sale. If the application to redeem is made within thirty days from the date of said sale, said purchase shall deliver up said animal upon being paid the full amount he bid and paid for the same, together with interest and charges as above provided, but not otherwise. No redemption shall be made after the expiration of thirrtty days from said date of sale.
- Sec. 13 If a sale is made of said animals so impounded there shall be taxed in addition to the charges, costs and assessments above stated the sum of one dollar for making said sale and in making sale each animal shall be sold separately and the said charge of one dollar shall be charged against each animal.
- Sec. 14 The said poundmaster or person having in charge said pound shall immediately after said sale make a full report of same to said Council and shall file the said report with the Village recorder of said Village. There shall accompany said report as a part thereof, a copy of all the notices above stated and said report shall give the name of the purchaser and the highest price bid viz the price paidfor said animal, and all of said transactions relating to said animals.
- Sec. 15 If for any cause saidanimals are not sold at the time and place fixed for said sale, and such sale cannot then and there be made, the said poundmaster shall continue said sale, and adjourn the same until such time as to him shall seem meet, not to exceed ten days, and shall continue the publication of saidnotice of sale. Said poundmaster shall also post three notices ofsaid adjournment of said sale at the same places in said Village, as above provided, which notices ofadjournment shall contain the said notice of sale in full andadded thereto the adjournment stateing the day, hour andplace when said sale will take place, which place shall be at said pound.
- Sec. 16 For good and sufficient reasons said sale may be adjourned from time to time as above provided, but there shall be added to said costs and charges the sum of fifty cents for posting said notices, of each adjournment and the full amount of the printer fees for publishing each notice.

Sec. 17 Said Village Council shall in such manner as to it may seem meet; provide a poundmaster or person to have charge of said pound.

Sec. 18 Old ordinance number 13 entitled "Ordinance regarding Horses running at large" is hereby repealed.

Sec. 19 This act shall be in force from and after its passage and publication.

Attest M.T. Wilander  
Village Recorder

A.A. Paine  
President of said Village

Passed June 4, 1896