

ORDINANCE NO. 2.

To restrain certain animals from running at large and to prescribe regulations for the impounding and sale of the same.

Be it ordained by the Board of Trustees of the town of Fleming, State of Colorado:

Section 1. No horses, cattle, mules, asses, swine, sheep or goats shall be permitted to run at large within the limits of the town of Fleming, nor shall any such animal or animals be herded or picketed upon any street, alley, or public ground within the limits of said town, nor shall any such animal or animals be so picketed upon any lot or private grounds so as to enable such animal or animals to trespass upon any street, sidewalk, alley or public ground of the town, and any person or persons owning or having the right of possession to any such animal or animals herded or picketed or running at large as herein prohibited, shall for each offense be fined upon conviction, in the sum of not less than one dollar nor more than twenty-five dollars together with costs.

Section 2. Any animals set forth in section one, which may be found herded or picketed or running at large as prohibited in section one of this ordinance shall be taken by the Town Marshal and impounded and by him held until claimed by the owner thereof, as hereinafter provided, or sold according to the provisions of this act.

Section 3. The owner of any animals mentioned in this Ordinance when such animals have been impounded may claim the release of such animal or animals at any time previous to the selling of the same on payment to the Marshal of the charges or fees that shall be due according to the provisions of this Ordinance, and by giving the

Marshal satisfactory proof of ownership or right of possession.

Section 4. The Marshal shall be entitled to compensation for impounding animals as follows: For impounding any of the animals set forth in section one, fifty cents each, and fifty cents each, additional for driving said animals to the Pound; for keeping and boarding said animals, fifty cents per day, each, for horses, cattle, mules and asses, twenty-five cents per day, each for all other animals provided no charge shall be made for driving, impounding, keeping or boarding any colts, calves, lambs, or pigs not weaned which are impounded with the dam, and provided, further, that the total of all fees and charges shall be and the same are hereby limited in each case to the amount realized from the sale of such animals or collected from the owner and in no case shall a deficiency or residue be made up or paid by the town of Fleming; provided, further, that in case the amount made on the sale of the said stock and collected from the owner thereof, shall be insufficient to pay the costs, charges and expenses in full, then the amount so received shall be divided among the officers or persons entitled thereto, in the proportion that such fees and charges shall bear to the whole amount collected.

Section 5. If any person or persons shall break open or open without breaking, or in any manner, directly or indirectly, aid or assist in breaking open or opening any Pound or other place in said town where animals are being kept in accordance with the provisions of this act, each person upon conviction thereof, shall be fined in the sum of not less than five dollars nor more than one hundred dollars and costs of suit.

Section 6. Any person who shall hinder, delay or obstruct the Marshal or any person or persons assisting him in driving any animals mentioned in this Ordinance to the Pound, or in attending im-

pounded animals in any manner, shall upon conviction be fined in a sum of not less than five dollars nor more than twenty-five dollars and cost of suit for every such hindrance, delay, obstruction or interference.

Section 7. Any animal or animals impounded by the Town Marshal under the provisions of this Ordinance shall be held to await the claim of their owner or owners for a period of thirty days after which time the said animal or animals shall be sold at public or private sale without notice and no owner shall be allowed to take possession of any impounded animal with^{out} the payment in full of all costs fees and expenses connected with taking and caring for such animal or animals; provided, further that when the sale of any animal or animals brings an amount above the fees, charges and expenses of impounding and caring for such animal or animals, such excess shall be forthwith paid by the Town Marshal to the Treasurer of the city, and provided, further, that no owner or owners of any animal or animals impounded under the provisions of this act shall be allowed the return of any animal or animals claimed by him until he shall have executed a written receipt therefore.

Section 8. It shall be the duty of the Marshal to provide necessary sustenance for all impounded animals without further charge than is prescribed in this ordinance.

Passed, approved and adopted by the Board of Trustees of the Town of Fleming this 24th day of June, A. D., 1917.

W. A. Brown
Clerk.

W. A. Brown
Mayor