

ORDINANCE NO. 8

An Ordinance prohibiting the running at large of horses cattle, sheep, swine and other animals, authorizing their seizure and sale for the benefit of the Borough, and prescribing the notices and manner of sale; fixing fees for impounding animals; prescribing penalty for breaking open pound or obstructing officer in discharge of duties imposed by this ordinance.

Be it ordained and enacted by the Town Council of the Borough of Clymer, in the County of Indiana and State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

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Section 1. That whenever any cattle, horses, mules, jacks, goats, sheep or hogs be found running at large within the corporate limits of the Borough of Clymer, at any time, the Chief of Police, any subordinate policeman, Street Commissioner, High Constable, or any other officer, designated by Council, shall take up, impound and properly care for the said animals, and forthwith file with the Clerk of Council a statement showing the time of seizure, description, marks, if any, and probable value thereof; whereupon the officer taking up and impounding any of the said animals, shall advertise and make public sale of the same as hereinafter provided, at the place stated in his advertisement, (unless said animals shall be returned to the owner before the day of sale, in accordance with the provision of Section 3, of this ordinance) and of his proceedings make due return to the Clerk of Council.

Section 2. After filing such statement, the officer shall give notice of such impounding by advertisement by twelve printed or written notices put up in public places, for ten days, setting forth day of seizure, the number and description (by mark if any there be) of the animals so impounded, and that by virtue of the authority vested in him by this ordinance he will make sale thereof at the time and place designated unless the same shall be claimed and ownership thereof proven within ten days following this notice.

Section 3. If on or before the tenth day from the date of such notice, any person shall make satisfactory proof to the said officer that the stock so impounded, belongs to him, her or them, and shall pay all costs and expenses incurred by such taking up, impounding, advertising, etc., and the fee to the officer in charge, authorized by Section 7 of this ordinance, said officer shall deliver such stock to the owner and the costs and expenses thereof, so paid to such officer, shall by him be paid to the Borough Treasurer and a return thereof made to the Clerk of Council.

Section 4. All animals enumerated in this ordinance remaining impounded after ten days notice of such impounding or stabling shall have been given, shall be sold by the officer in charge as hereinbefore directed, and after deducting costs and expenses provided for, the residue of the proceeds shall be by such officer paid to the Borough Treasurer and his proceedings make due return as aforesaid.

Section 5. At any time within six months after such sale the owner of any stock or animals sold in pursuance of the provisions herein made, may make proof of his ownership before the Chief Burgess and whenever the Chief Burgess shall be clearly satisfied that such Claimant was the actual owner of any such stock or animals thus sold, the Burgess shall report the same to the Council, and the Council shall direct an order to be issued on the Borough Treasurer for the amount of money paid by such officer to the Borough Treasurer from the sale of such stock or animals proven. If proof of ownership shall not be made within six months from the date of such sale the proceeds shall be forfeited to the Borough.

Section 6. , If any person shall break open, aid or assist in breaking open, any pound, pen or inclosure with intent to release any animal therein confined, pursuant to the provisions of this ordinance, or if any person shall hinder, delay, or obstruct any officer in the discharge of any duty by this article enjoined, every such person on conviction shall pay a fine or penalty of not less than five nor more than twenty-five dollars and costs.

Section 7. For taking up, impounding and selling animals the fees shall be as follows, viz:

For one horse or mule, one dollar; and for each additional one, fifty cents.

For one head of cattle, sheep or hog, each, one dollar; and for each additional one, fifty cents.

For advertising impounded animals, in any case, fifty cents.

For sale of impounded animals, five per cent of the amount, if it be less than thirty dollars, and three per cent if the same exceed thirty dollars.

Section 8. Upon judgment against any person by summary convictions of violation of any section of this ordinance, or by proceedings by summons, or default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Ordained and enacted by The Town Council lawfully assembled in said Borough this 20th day of July, 1908.

H. Ney Prothero,
President of Council

Attest:- George Cole
Clerk

Approved:- J.A. Dearolph
Chief Burgess