

ANIMALS

CHAPTER 1.

Relating to the Running at Large of Horses and Other Animals—Impounding—Costs—Redemption—Penalties—Duty of Marshal.

ORDINANCE NO. 58

(Passed January 16, 1920).

1. Section 1. No horses, cattle, mules, asses, swine, sheep or goats shall be permitted to run at large within the corporate limits of the city of Golden, nor shall any such animals be herded or picketed upon any street, alley or public ground within this city, nor shall any such animal be so picketed upon any private ground as to enable or allow it to trespass upon any street, alley, sidewalk or public ground within this city. Any person being the owner of or having in charge any such animal or animals, who shall suffer the same to run at large, or who shall picket the same contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than five nor more than fifty dollars, with costs, in each case. The running at large of each animal and each day that such animal shall be permitted to run at large, and each time any such animal is picketed or herded, contrary to the provisions of this section, shall be deemed a separate offense and shall be dealt with accordingly.

2. Section 2. Whenever any such animal or animals shall be found running at large within the city, it shall be the duty of the city marshal or night watchman to at once take up and place the same in the city pound, if there be one, and, if not, then in some other suitable place for safe keeping within the city. Provided, it shall be lawful for any person to distrain and take up any such animals running at large contrary to the provisions of this ordinance, and to deliver, or cause to be delivered, the same to the city marshal or night watchman, or by placing the same in the city pound and at once giving notice thereof to the city marshal.

3. Section 3. The city marshal, upon the taking up and impounding of any such animal, shall forthwith give notice thereof by posting notices, one at the entrance of the said pound or other place where the animals may be impounded, and one at the post office, of such taking up and impounding, giving the location of such pound, or other place, and shall immediately give a seven days' notice of sale, to be published in the official state live stock paper, at an expense of not to exceed one dollar.

4. Section 4. Said notice shall contain, as near as may be, a description of the animal or animals impounded, giving the color and sex, including a copy of all brands, if any, on such animal or animals, and shall state that, unless said animal or animals shall be claimed and the costs of feeding and advertising be paid to the city marshal previous to the date named in said notice, which date shall be the eighth day after the date of the first publication of such notice, he shall sell said animal or animals as hereinafter provided. In case the animal is branded and the owner unknown, in addition to the notices and publication heretofore mentioned, the marshal shall carefully note all the brands or earmarks found thereon, and the kind, sex and color of such animal or animals, and shall send at once to the secretary of state a full description of such animal or animals, the place and date of such

taking up and impounding. Provided, that if the owner or owners of any animal or animals so impounded shall be known to the marshal, he shall not cause the publication of the said notice as herein provided, but shall cause a notice as above described, to be immediately served upon the said owner or owners, or their representatives, by registered mail, and such service for the purpose of the sale shall be equivalent to the publication of said notice; Provided further, that in case said owner or owners, after receipt of said notice, shall fail to claim said animal or animals and pay all costs as in this ordinance provided within seven days after receipt of said notice, then the city marshal shall sell said animal or animals in the same manner as though the notice had been published.

5. Section 5. If the owner of the animal or animals impounded shall claim them of the marshal within the time specified in said notice and pay all costs then accrued on account of the taking up and impounding, then the marshal shall release said animal or animals. The costs of feeding the animals shall be as provided by law, or ordinance.

6. Section 6. If the animal or animals shall not be claimed and the costs paid as provided in this ordinance, the marshal, on the eighth day after the date of the first publication of said notice, or service of notice upon the known owner or owners or their representatives, as the case may be, shall sell said animal or animals at the city pound at public auction to the highest bidder, said sale to commence at 10 o'clock in the forenoon of said eighth day. Provided, that if said eighth day shall fall on Sunday, then such sale shall be made on the following day, commencing at 10 o'clock in the forenoon.

7. Section 7. The proceeds of such sale shall first be applied to the payment of all the accrued costs, and any surplus shall be paid over to the city treasurer of the City of Golden; but if sufficient money is not realized from such sale to pay said costs, then the marshal shall so certify to the city treasurer, and such deficiency shall be, by the treasurer, paid from any unclaimed surplus received from the sale of other animals under this ordinance.

8. Section 8. When any surplus money shall be paid into the city treasury under the provisions of this ordinance, the owner of the animal or animals from the sale of which such surplus arose, shall be entitled to a warrant from the city council drawn upon the treasurer therefor; provided, that such owner shall make application therefor and satisfactory proof of ownership within one year after the date of the sale of such animal or animals.

9. Section 9. The city marshal, in addition to the costs for feeding and advertising, shall be entitled to charge and collect for his services in the taking up and impounding of said animals, as follows:

For the taking up and impounding of each animal, fifty cents.

For posting each notice required by this ordinance, fifty cents.

For making and sending description to secretary of state, for each animal, fifty cents.

For serving known owner by registered mail, seventy-five cents.

For making sale, two dollars.

For executing bill of sale, one dollar.

10. Section 10. Any person who shall break open or in any manner assist in breaking open any pound or other place where impounded animals are kept under the provisions of this ordinance, or who shall remove or drive away from such pound or other enclosure any animal impounded, shall be deemed guilty of a misdemeanor, and up on conviction shall be fined not less than ten nor more than one hundred dollars, and costs.

11. Section 11. If any section, paragraph, clause, sentence, phrase or

part of this ordinance shall, for any reason, be held invalid, such invalidity shall not affect the validity of the remaining portions thereof. The city council hereby declares that it would have passed this ordinance, and each section, paragraph, clause, sentence or phrase thereof, irrespective of the fact that any one or more parts thereof be declared invalid.

12. Section 12. General sections 1 to 14, inclusive, being sections 1 to 14, inclusive, of chapter 1, of the compiled ordinances of 1900, and all other ordinances or any parts of other ordinances in conflict with this ordinance are hereby repealed.

CHAPTER II.

Concerning Bridges.

ORDINANCE NO. 28.

(Passed February 5, 1883).

13. Section 1. That for the purpose of keeping the iron bridges across Clear creek on Washington avenue and Ford street, or any other iron bridge now erected or hereafter to be erected in said city in good repair, it is hereby enacted that no person shall drive or cause to be driven across, upon or over either of said bridges in one band or bunch and at one time, so that there shall be on the bridge during said passage to exceed the number of animals herein named—that is to say: not to exceed twenty (20) head of horned cattle at one time; twenty (20) head of horses or mules at one time; sixty (60) head of hogs at one time; one hundred (100) head of sheep at one time; and such animals shall not be driven faster than a walk across said bridges.

14. Section 2. Each and every person who shall violate the provisions of this ordinance shall, upon conviction, be fined not less than fifty (\$50) dollars nor more than three hundred (\$300) dollars.

ORDINANCE NO. 74

(Passed April 1, 1921)

Regulating Loads Permitted to Cross Bridges in City of Golden

15. Section 1. That, hereafter, it shall be unlawful for any person, persons, company or corporation to pass or drive, or cause to be passed or driven, upon, over or across any bridge or culvert, or upon any street within the limits of the City of Golden, any machine, vehicle, or other thing whatever, that exceeds nine (9) tons in weight, including load carried, without consent, in writing, of the mayor therefor, first had and obtained.

16. Section 2. That a violation of the above section, or of any of the provisions thereof, by any person, persons, company or corporation, shall subject any such offender, upon conviction, to a fine of not less than \$100 nor more than \$300, in the discretion of the court, together with all costs of such proceeding. And, in addition to the above penalty, the offender shall be liable to the city in the full amount of damages caused by any such unlawful act, to be recovered in any court of competent jurisdiction, together with all costs accruing therein.
