**ORDINANCE # 5**

**AN ORDINANCE TO PREVENT SWINE RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF LOSTINE: -**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LOSTINE, AND BE IT ORDAINED BY THE PEOPLE OF LOSTINE:**

Section 1:

It shall be unlawful for the owner or owners of swine to allow the same to run at large within the corporate limits of the City of Lostine.

Section 2:

It shall be the duty of the City Marshall upon finding any swine at large contrary to the provisions of this ordinance, on view or information, to forthwith take up and confine the same and give actual notice thereof to the owner, if known, and if not known by posting in three public places within the City limits, a written notice thereof describing said swine by ear or other mark, whereby the owner may identify the same, and shall at the same time advertise them to be sold at auction to the highest bidder for cash, ten days from the date of such notice unless called for and costs and charges for the taking up, caring for and keeping said swine is paid within said time; provided, that when two or more swine are to be sold on the same day they shall all be described and included in one notice.

Section 3:

If the owner or owners of such swine shall within ten days after such notice is given to him or them, or the same is posted as hereinbefore provided, and prove such swine to be his or their property, the Marshall shall deliver the same to him or them upon the payment of all costs and charges incurred by the Marshall in such taking up, keeping caring for, giving notice and advertising the same. If however the owner or owners do not prove his or their property and pay all costs and charges thereon as provided in the foregoing, then the Marshall shall proceed to sell at public auction to the highest bidder for cash , all such swine taken up, and shall make and file with the City Recorder a certificate of such sale, giving a description of the swine sold, the amount for which sold, and to whom sold. After paying the costs and charges of taking up, posting, advertising and selling the same, if any surplus shall remain he shall forthwith turn over such surplus to the City Treasurer and take his receipt for the same; provided, that the owner shall be entitled to receive the said surplus from the Treasurer if he shall make proof by affidavit within thirty days after such sale that he was the owner of such swine when the same were sold; but if no such proof be made within the said time, then such surplus shall become a part of the general fund of the City.

Section 4:

The Marshall shall be allowed a fee of one dollar for each animal taken up under the provisions of this ordinance; for giving notice to the owner, twenty five cents; for advertising without sellinig, fifty cents; for advertising and selling, one dollar; and for keeping and caring for such swine, ten cents per day for each animal.

Section 5:

This ordinance shall take effect and be in full force from and after the 5 day or June 1904, and its approval by the Mayor.

Passed the common Council May 30, 1904.

Approved the 30 day of May 1904.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Attest.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Recorder

State of Oregon

County of Wallowa, ss: -

City of Lostine,

I hereby certify that on the 30 day of May 1904 three true and correct copies of the foregoing ordinance, each duly certified to by me as City Recorder to be such were duly posted in three public places within the City limits, Towit:

One copy on the \_\_\_\_R.C. Mays Store\_\_\_\_\_

One copy on the \_\_\_\_C. S. Fitzpatrick’s store\_\_\_\_

One copy on the \_\_\_\_S. L. McKenzie\_\_\_\_\_\_\_

Recorder.