

TITLE 13-00-0-00.

POLICE AND PUBLIC OFFENSES.

CHAPTER 13-10-0-00. POLICE.

PART 13-10-1-00. POLICE DEPARTMENT.

13-10-1-01. POLICE DEPARTMENT - ESTABLISHED. There is hereby established a regularly constituted police force to be known as the police department which shall consist of a chief of police and such other police officers as shall be employed by the city.

13-10-1-02. MARSHAL - CHIEF OF POLICE.

1. Powers. See U.C.A. 10-3-913 through 10-3-915.
2. He shall organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.
3. He shall, when required, attend meetings of the city council to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and city council and see that all orders and judgements of the justice of the peace are carried into effect.

13-10-1-03. ADDITIONAL POWERS AND DUTIES OF POLICEMEN. The chief of police and all police officers of the city shall have the following powers and duties in addition to those that may be assigned to them as above provided:

1. To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the city.
2. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
3. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

13-10-1-04. REGISTER OF ARREST. The chief of police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested.

13-10-1-05. PROPERTY TAKEN FROM THE PERSON ARRESTED - TRIPLICATE RECEIPTS. When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefore specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department.

13-10-1-06. REGISTER OF PROPERTY TO BE KEPT. The chief of police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof.

13-10-1-07. STOLEN PROPERTY DISPOSITION. It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

13-10-1-08. CITATION FOR MISDEMEANOR. The City police or any peace officer in lieu of taking a person into custody, or any public official charged with the enforcement of laws of this City, may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor charge to appear at the Court of the magistrate before whom the person could be taken pursuant to law if the person had been arrested.

13-10-1-09. PERSONS RECEIVING CITATION - COURT APPEARANCE - TIME - FAILURE TO APPEAR. Section 77-7-19, Utah Code Annotated 1953, is incorporated herein by reference.

13-10-1-10. CITATION CONTENTS.

1. If a citation is issued pursuant to Section 13-10-1-08, the peace officer or public official shall issue one copy to the person cited and shall within five days file a duplicate copy with the Court specified in the citation.
2. Section 77-7-20(2), Utah Code Annotated 1953, is adopted by reference.

13-10-1-11. CITATION IN LIEU OF COMPLAINT - EXCEPTIONS. Section 77-7-21, *Utah Code Annotated 1953*, is adopted by reference, except the reference to section 77-7-18 is amended to read 13-10-1-08.

13-10-1-12. WILLFULLY FAILING TO APPEAR - MISDEMEANOR. Any person who wilfully fails to appear before a Court pursuant to a citation issued under the provisions of Section 13-10-1-08 is guilty of a Class B misdemeanor, regardless of the disposition of the charge upon which he was originally cited.

PART

13-10-2-00. JAIL

13-10-2-01. CITY COUNCIL TO PROVIDE.

1. The city council shall provide for a place of incarceration which shall be the city jail.
2. The city council may contract with any person, county, municipality, or combination thereof for the purpose of providing suitable premises and facilities to be used by the city as the city jail.

13-10-2-02. JAILER. Until another person is appointed, the chief of police shall be ex officio jailer. The jailer shall:

1. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed.
2. Keep a record of each showing the date of arrest, offense charged, term of commitment, date of release and the name, age and place of birth and description of the person committed in a book kept for that purpose.

13-10-2-03. RULES. The jailer shall formulate a system of prison rules and discipline and keep a record in which shall be entered a statement of every infraction thereof committed by any person confined therein.

13-10-2-04. DUTIES OF JAILER. The jailer shall receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding. He shall cause the prison to be warmed and lighted, when necessary, and to be kept in a sanitary condition. He shall enforce all rules prescribed by the city council for the government of the prison.

13-10-2-05. PRISONERS TO LABOR ON PUBLIC WORKS. Any prisoner committed to jail or other place of incarceration as a punishment or in default of the payment of a fine or fine and costs, arising from a violation of the ordinances of this city shall be required to work for the city at such labor on public works and ways as his strength will permit, not exceeding eight hours each working day.

13-10-2-06. WORK TO BE PERFORMED UNDER THE DIRECTION OF THE JAILER. The labor on public works and ways shall be designated by and performed under the direction the jailer, which labor may include, among other things, clerical, janitorial, car washing, common and menial labor performed in and upon any building, road, or property owned or maintained by the city. The labor required by this section shall be performed in addition to that labor required by jail regulations to be performed by all prisoners confined in the jail in cleaning and maintaining their cells.

13-10-2-07. TIME OFF FOR WORK PERFORMED. For each month in which a prisoner confined or committed to jail has actually and satisfactorily performed work as reported and recorded by the officer in charge, five days shall be deducted from his period of confinement. The reduction of sentence allowed pursuant to this part shall be in addition to the reduction allowed by section 13-10-2-09 but no prisoner shall be granted a total reduction of sentence under this part in excess of ten days for any single month. Proportionate reductions shall be made for the fractional period of a month included in any sentence.

13-10-2-08. FAILURE TO PERFORM WORK MADE BREACH OF RULES. Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the city jail, and no reduction of sentence shall be allowed under section 13-10-2-09.

13-10-2-09. TIME OFF FOR GOOD BEHAVIOR.

1. Every person undergoing sentence for thirty days or more who has not been guilty of a breach of the rules of the prison shall be entitled to a reduction for the period of his sentence as follows: 1) from a term of one month, 5 days; 2) from a term of two months, 10 days; 3) from a term of three months, 15 days; 4) from a term of four months, 20 days; 5) from a term of five months, 25 days; 6) from a term of six months, 30 days.

2. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.

13-11-3-01. SHORT TITLE. This chapter shall be known and cited as the Fountain Green City Fireworks Ordinance.

13-11-3-02. DEFINITIONS.

1. "Fireworks" means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class A and B explosives.
2. "Ground or hand-held sparkling" device means:
 - a. Any cylindrical tube (cylindrical fountain) not exceeding 3/4" in inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
 - b. Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower or color and sparks upon ignition and may whistle or pop;
 - c. Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
 - d. Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter and each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
 - e. Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and
 - f. Any narrow paper fuseless tube (flutter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.
3. "Ground audible device" means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.
4. "Combination fireworks device" means any device containing combinations of two or more of the effects described in subsections (2) or (3).
5. "Trick noisemaker" means:
 - a. Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and
 - b. Any device that produces a small report intended to surprise the user, including:
 - (i) A "bobby trap" which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;
 - (ii) A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated with bits of sand which explodes producing a small report;

- (iii) A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
- (iv) A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
- (v) An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

13-11-3-03. SALE OR USE OF UNAUTHORIZED FIREWORKS UNLAWFUL. It is unlawful for any person to sell or offer for retail sale, or to discharge any fireworks in this city other than those defined in subsections 11-3-2 (2) to (5).

13-11-3-04. ENFORCEMENT - SEIZURE OF FIREWORKS SOLD UNLAWFULLY - REVOCATION OF LICENSE.

1. Every city officer charged with the enforcement of state and city laws including all fire enforcement officials and the division of public safety is charged with responsibility to enforce this act.
2. Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

13-11-3-05. STATE FIRE PREVENTION BOARD. It shall be a misdemeanor for any person or any retailer to violate the rules established by the State Fire Prevention Board adopted pursuant to section 11-3-5, *Utah Code Annotated 1953*.

13-11-3-06 through 13-11-3-09. Reserved.

13-11-3-10. EXEMPTIONS. This chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors or wholesalers designated for shipment directly out of the state. Nothing in this act shall supersede the provisions of section 23-13-7, *Utah Code Annotated 1953*.

CHAPTER 13-20-0-00. ANIMAL CONTROL.

PART 13-20-1-00. POUNDMASTER.

13-20-1-01. OFFICE OF POUNDMASTER CREATED. The position of municipal poundmaster hereby is created. Until such time as a poundmaster is appointed, the chief of police shall be poundmaster ex officio.

13-20-1-02. DUTIES OF POUNDMASTER. The poundmaster shall perform the following duties:

1. Carry out and enforce the provisions of this chapter.
2. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
3. Enforce the licensing of and control all dogs within the city as hereinafter provided.

4. File complaints in the courts against any person, firm, or corporation failing to comply with the provisions of this chapter and obtain licenses when required thereunder.
5. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.
6. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.
7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, and a description thereof sufficient to provide identification, the cost expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.

13-20-1-03. INTERFERENCE WITH OFFICER PROHIBITED. It shall be unlawful for any person to interfere, molest, hinder or obstruct the poundmaster or any of his authorized representatives in the discharge of their duties as herein prescribed.

13-20-1-04. FEES - SERVICES OF POUNDMASTER. The poundmaster shall charge, and the owners of animals taken into his possession for impound disposal or other services shall pay, such fees and charges for services performed by the pound or poundmaster as the city council shall establish from time to time by resolution. All fees received by the poundmaster shall be paid over to the city treasurer.

PART

13-20-2-00. CARE AND KEEPING.

13-20-2-01. ANIMALS AT LARGE. No cattle, horses, mules, sheep, goats, or swine shall be allowed to run at large or to be herded, picketed, or staked out upon any street, sidewalk, or other public place within the limits of this city, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside city limits to any enclosure within the city limits or from any enclosure in the city to a place outside the city or from one enclosure to another within limits of the city.

13-20-2-02. ABANDONMENT. It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.

13-20-2-03. TRESPASSING ANIMALS AND FOWL. It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

13-20-2-04. KILLING OR POISONING PROHIBITED. It shall be unlawful for any person willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.

13-20-2-05. DEAD ANIMALS. The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal with ten hours after its death, provided that no horse, cow, ox, or other animal shall be buried within the closely-inhabited portions of this city. A violation of this section is a class C misdemeanor.

13-20-2-06. DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

13-20-2-07. SALE OF DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.

13-20-2-08. REPORTING OF RABID ANIMALS. Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the city health officer. The health officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

13-20-2-09. BITING ANIMAL QUARANTINED FOR OBSERVATION. Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation at a veterinary hospital or the city pound and shall not be killed or released until at least 14 days after the biting or injury has occurred in order to determine whether or not he animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

13-20-2-10. RABIES CONTACTS QUARANTINED. Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the poundmaster for a period of 120 days or destroyed.

13-20-2-11. UNLAWFUL ACTS. It shall be unlawful for any person to:

1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in cruel and inhuman manner, any animal or cause any of these acts to be done.
2. Fail to provide any animal in his charge or custody with necessary substance, drink, and protection from the elements, or cause any of these acts to be done.
3. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.
4. Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

PART

13-20-3-00. DOGS.

13-20-3-01. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following words shall mean:

1. "Dog" shall mean any male, female, or spayed female dog of any age.
2. "Unlicensed dog" is hereby defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for in this part is not attached.
3. "Owner," when applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
4. The term "at large" shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
5. "Pound" shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by the city for confinement or care of dogs siezed either under the provision of this chapter or otherwise.
6. "Impounded" shall mean having been received into the custody of the city pound or into the custody of any authorized agent or representative of the city.
7. "Vicious dog" means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings.
8. "Poundmaster" shall mean the custodian selected by the city council to be responsible for the operation of the dog pound.

(End of 13-20-3-01) (Leash)

Revised

*Approved
[Signature]*

13-20-3-02.

LICENSE AND REGISTRATION REQUIRED.

1. It is unlawful for any person to keep, harbor or maintain any dog 6 or more months old unless such dog has been registered and licensed in the manner herein provided.
2. Application for registration and licensing shall be made to the poundmaster or such other person as the city council may authorize to receive such applications.
3. A dog license shall be issued by the poundmaster or such other person as the city council may authorize.
4. No dog license shall be issued by the city until the fee required herein is paid. Until otherwise changed by resolution of the city council, the following fee shall be charged:
 - a. Each spayed female \$ 10.00
 - b. Each neutered male \$ 10.00
 - c. Each unspayed female \$ 15.00
 - d. Each unneutered male \$ 15.00
5. The fee due and payable pursuant to this section shall be due March 31 and shall be delinquent after April 1 of each year. A penalty of 10 percent shall be added to delinquent payments.
6. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after April 1 of any year shall make an application for registration and license within 30 days after such acquisition or dogs attain the above stated age; provided that the license fee shall be 100% of the above required for new applications received after April 1 of any year.
7. Anyone owning, keeping, harboring, or maintaining 3 or more dogs over the age of 6 months shall be considered operating a kennel and shall be required to pay an annual kennel license fee of \$ 50.00 per year.
8. The owner shall state at the time application is made for such license, his name and address and the sex, breed, and color of each dog owned or kept by him. The license fee shall cover the calendar year in which the license was issued, expiring on the 31st day of December of the year of issuance, regardless of the date when issued.
9. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show, nor to commercial kennels.
10. Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefor.

13-20-3-03. TAG AND COLLAR. Upon payment of the license fee, the recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In

In case a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$ 2.50 for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

13-20-3-04. RUNNING AT LARGE PROHIBITED.

1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.
2. It shall be unlawful for the owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
3. The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.
4. Any dog running at large in violation of the provision of this section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein.

13-20-3-05. FEMALE IN HEAT. The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.

13-20-3-06. STRAYS. It shall be unlawful for any person to harbor or keep within the city any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the recorder or poundmaster who shall impound for running at large contrary to the terms of this part. If there shall be attached to such dog a license tag for the then current fiscal year, the poundmaster shall notify the person to whom such license was issued, at the address given in the license.

13-20-3-07. RABIES. Every owner of any dog over the age of 6 months within the city shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done, provided that the city council may, by resolution provide that owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.

13-20-3-08. DOGS REQUIRED TO HAVE RABIES SHOT. It shall be unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalk, street, alley, public place, or square within the city without first having had such dog vaccinated every two years against rabies and hydatid as above provided within the past two years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated.

13-20-3-09. DOGS WHICH DISTURB NEIGHBORHOOD. No person, persons, firm, or corporation shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this section shall be a class C misdemeanor and such is hereby declared to be nuisance, and each day

the violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the city dog pound, veterinary hospitals, or medical laboratories.

13-20-3-10. VICIOUS ANIMALS - SPECIAL PROVISIONS.

1. It shall be unlawful for any person to own and possess a vicious dog within the city. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this part, while awaiting final decision of the court as to the disposition to be made of such dog.
2. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgement of conviction, order the poundmaster or other authorized personnel of the city to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the city.

13-20-3-11. DOG POUND. The city council may contract with some humane person as poundmaster, with the adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the city as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury.

13-20-3-12. IMPOUNDING. It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his tag, or which is in violation of this part and to impound such dog in the pound or other suitable place. The poundmaster or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

13-20-3-13. RECORD OF IMPOUNDING ANIMALS. The poundmaster shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the dated of any tag exhibited or issued upon the redemption or sale of such animal.

13-20-3-14. REDEMPTION OF IMPOUNDED DOGS. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the supervisor of person having charge of said pound, a certificate of registry as provided in section 13-20-3-12, showing that the license imposed by this part has been paid for such dog and upon paying the person in charge of the pound an impounding fee of five dollars and the sum of fifty cents for each and every day such dog shall have been impounded. All impounded dogs not redeemed within five days shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sales shall be paid daily to the treasurer. All dogs that are not sold or redeemed in the required time shall be disposed of in a humane manner.

13-20-3-15. DISPOSITION OF UNCLAIMED AND INFECTED DOGS. All impounded dogs not redeemed within five days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable. In the case of dogs severely injured or having contagious disease other than rabies and which in the poundmaster's judgment are suffering and recovery is doubtful, the poundmaster may destroy the dog without awaiting the five-day period.

13-20-3-16. INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the poundmaster or any of his

assistants while engaging in capturing, securing, or taking to the dog pound any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound.

PART

13-20-4-00. ESTRAYS.

13-20-4-01. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY. It is hereby made the duty of the poundmaster to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "stray" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

13-20-4-02. NOTICE OF SALE OF ESTRAYS. Within three days after an stray shall come into the possession of the poundmaster, he shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper, and by posting notices for a period of ten days in three public places in the city, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notice to the county clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all marks, and brands, when taken, and the day, hour, and place of sale, and may be substantially in the form of the figure shown in appendix A of this ordinance.

13-20-4-03. RETURN TO THE OWNER ON PAYMENT OF COSTS - SALE. If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the poundmaster shall deliver them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the form of the figure shown in appendix A of this ordinance. The poundmaster shall immediately file a copy of such bill of sale with the county clerk or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

13-20-4-04. RECORD OF ESTRAYS. The poundmaster shall keep an accurate record of all estrays received by him, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to the compliance with the provisions of this part. The city council shall provide the poundmaster with a suitable book in which shall be entered the records required by law to be kept by the poundmaster. Such records shall be open to inspection of the public at all reasonable hours, and shall be deposited by the poundmaster with his successor in office.

13-20-4-05. TRESPASSING ANIMALS - DAMAGING - IMPOUNDING. If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or be detaining and impounding the animals in the manner provided.

13-20-4-06. APPRAISMENT OF DAMAGES. The owner or occupant of any property may detain any or all of said animals trespassing or doing damage thereon. He shall, within 24 hours thereafter, deliver said animals to the poundmaster together with a certificate

of the appraisal of the damage done by such animals. Such appraisal must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisal and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.

13-20-4-07. OWNER TO BE NOTIFIED. The person detaining the animals must, if the owner of the same be known to him and if he resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisal; but if the owner does not live within ten miles of the place of trespass, the party detaining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He shall be entitled to charge 35 cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and 35 cents for each additional mile, to be taxed as costs against the animals.

13-20-4-08. FAILURE TO NOTIFY WAIVES DAMAGES. If the party detaining any animals shall fail to deliver them or the certificate of appraisal to the poundmaster within 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisal within 24 hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provision of this part.

13-20-4-09. WHERE OWNER UNKNOWN - DUTY OF POUNDMASTER. Whenever any animals are delivered to the poundmaster and the certificate of appraisal is filed with him as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby or if the owner is already known to the poundmaster, he shall, if the owner lives within ten miles, immediately deliver a copy of such certificate of appraisal to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten miles away, the poundmaster may at his option deliver such copy personally to the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided herein; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

13-20-4-10. NOTICE OF SALE OF DISTRAINED ANIMALS. As soon as any such animals are delivered to the poundmaster, he shall immediately proceed to advertise the same as hereinafter provided except when the owner is known and has been notified, in which case he shall hold said animals 48 hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three public places in the city, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county clerk or send the same by deputy or by registered mail. The clerk should preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not less than ten or more than 20 days from the time of posting such notice. The notices shall be substantially in the form shown in appendix A.

13-20-4-11. OWNER MAY PAY AND TAKE ANIMALS - DISPUTED APPRAISAL. The owner of any trespassing animals taken up under the provisions of this part may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisal and the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having qualification herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, the shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

13-20-4-12. SALE - BILL OF SALE. If such animals are not claimed and taken away by the owner, the poundmaster shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundmaster shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as hereinbefore provided.

13-20-4-13. REDEMPTION WITHIN NINETY DAYS. The owner of any trespassing animals sold under the provisions of this part may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for care and keeping of the same. If such purchaser or assignee refuses to give up such animals on the owner proving his title to the same and on his tendering the amount due as herein provided, such owner may maintain any action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefor.

13-20-4-14. OWNER ENTITLED TO RESIDUE OF PROCEEDS. If any estrays or trespassing animals sold under the provision of this part shall, within a period of six months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the city, provided that in case there is a contest between two or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

13-20-4-15. RECORD OF TRESPASSING ANIMALS. The poundmaster shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction.

13-20-4-16. RETAKING ANIMAL UNLAWFULLY. It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.

CHAPTER 13-30-0-00 GENERAL POLICE POWERS.

13-30-1-01. PURCHASE, POSSESSION PROHIBITED. Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:

1. Where they are in locations where persons under the age of 19 are prohibited.
2. Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale.
3. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under the age of 19.
4. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

13-30-1-02. CURFEW - MINORS - EXCEPTIONS. No person under the age of 18 years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of _____m. and _____m. following, unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, unless the employment or lawful business of such minor makes it necessary to be upon the streets, alleys or public places between such specified hours, in which event such minor person shall obtain a permit from the chief of police to be upon the streets, alleys or public places during such hours. On any night when school, civic or church functions are taking place, the hours of curfew shall be _____m. to _____m. following, in order to provide adequate time to attend such functions provided for minor persons. Where a permit is required from the chief of police under this section, such permit shall be kept upon the person and it shall be unlawful to be upon the streets, alleys or public places within such curfew hours without such permit.

13-30-1-03. RESPONSIBILITY OF PARENTS, GUARDIANS FOR CURFEW. No parent, guardian or other person having legal charge or custody of any person under 18 years of age shall allow or permit any such person or child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, or public places when such going or being in or upon such streets, alleys, or public places would be a violation by such minor person of any provision of section 13-30-1-02.

13-30-1-04. MINOR PROHIBITED WHERE BEER IS SOLD.

1. It is unlawful for any person to operate any pool or billiard hall in this city if beer as defined in this code is kept, sold or consumed without first making a regulation and enforcing the same, keeping posted in a conspicuous place the terms of such