

Proceedings of The City Council

May 7, 1963 The Mayor and Council of the City of O'Neill, Nebraska, met at the City Council Room in said City on the 7th day of May, 1963 at 7:30 p.m. in regular session, the following being present: Mayor, D. C. Schaffer, City Clerk, D. C. Schaffer, Councilmen: Gleeson, Reynoldson, Heermann, Carroll, McIntosh and Janousek. The following being absent: Moore and Hiatt.

A quorum being present, the following proceedings were had and done: Councilman Gleeson introduced an ordinance entitled: AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO AMEND SECTION 1 OF ORDINANCE NO. 294-A RELATING TO SEWERS AND THEIR UPKEEP AND INCREASING THE SEWER RATE CHARGE FROM \$50 PER MONTH EFFECTIVE JUNE 1st, 1963.

Said ordinance was fully and distinctly read, and on motion said ordinance was designated as Ordinance No. 352-A of said City and the title was approved. Thereupon Councilman Gleeson moved that the statutory rule requiring the reading of ordinances on three different days be dispensed with, which motion was seconded by Councilman Janousek and the roll was called on the adoption of said motion and the Councilmen present voted all aye. Said motion having been concurred in by three-fourths of the Councilmen present, and by the Mayor declared passed and adopted. Thereupon, said ordinance was read by title a second time and was then read at large and put upon final passage and the Councilmen present voted all aye. Said motion having been concurred in by three-fourths of the Councilmen present, and by the Mayor declared passed and adopted and the Mayor in the presence of the Council signed and approved said ordinance.

A true, correct and complete copy of said ordinance is as follows: CITY OF O'NEILL, NEBRASKA ORDINANCE NO. 352-A AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO AMEND SECTION 1 OF ORDINANCE NO. 294-A RELATING TO SEWERS AND THEIR UPKEEP AND INCREASING THE SEWER RATE CHARGE FROM \$50 PER MONTH EFFECTIVE JUNE 1st, 1963.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'NEILL, NEBRASKA: SECTION 1: That Section 1 of Ordinance 294-A be amended to read as follows: A sewer service charge of \$1.00 per month for each connection which is direct or indirect is hereby fixed to be charged and collected from the owner of each real estate property in the City of O'Neill having a connection either directly or indirectly, to the City sewer system, whenever said property is occupied or used. Said charges shall be collected at the same time and in the same manner as enforced in the same manner as the City Water charges are collected and by the same officials.

SECTION 2: That all other sections of Ordinance No. 294-A be and it hereby is repealed. SECTION 3: That all other sections of said Ordinance No. 294-A shall remain in full force and effect. SECTION 4: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 7th DAY OF MAY, 1963. D. C. SCHAFFER Mayor

O. D. FRENCH City Clerk (SEAL)

Councilman Reynoldson introduced an ordinance entitled: AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO AMEND SUBSECTION A, B, AND C OF SECTION 25 OF ORDINANCE NO. 263-A RELATING TO WATER RATES AND INCREASING MINIMUM CHARGE FROM \$300 TO \$400 BI-MONTHLY, EFFECTIVE JUNE 1, 1963.

Said ordinance was fully and distinctly read, and on motion said ordinance was designated as Ordinance No. 353-A of said City and the title was approved. Thereupon Councilman Gleeson moved that the statutory rule requiring the reading of ordinances on three different days be dispensed with, which motion was seconded by Councilman Janousek and the roll was called on the adoption of said motion and the Councilmen present voted as follows: All Aye. None Nay: Said motion, having been concurred in by three-fourths of the Councilmen present, was by the Mayor declared passed and adopted. Thereupon said ordinance was read by title a second time and was then read at large and put upon final passage and the Mayor stated the question is: "Shall Ordinance No. 353-A be passed and adopted?" The roll was then called on the passage and adoption of said ordinance and the Councilmen voted as follows: All Aye. None Nay: The passage and adoption of said ordinance having been concurred in by not less than three-fourths of all the members of the Council, said ordinance was by the Mayor declared passed and adopted.

A true, correct and complete copy of said ordinance is as follows: CITY OF O'NEILL, NEBRASKA ORDINANCE NO. 353-A AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO AMEND SUBSECTION A, B, AND C OF SECTION 25 OF ORDINANCE NO. 263-A RELATING TO WATER RATES AND INCREASING MINIMUM CHARGE FROM \$300 TO \$400 BI-MONTHLY, EFFECTIVE JUNE 1, 1963.

Thereupon said ordinance was read by title a second time and was then read at large and put upon final passage and the Mayor stated the question is: "Shall Ordinance No. 353-A be passed and adopted?" The roll was then called on the passage and adoption of said ordinance and the Councilmen voted as follows: All Aye. None Nay: The passage and adoption of said ordinance having been concurred in by not less than three-fourths of all the members of the Council, said ordinance was by the Mayor declared passed and adopted.

CITY OF O'NEILL, NEBRASKA ORDINANCE NO. 354-A AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO AMEND SUBSECTION A, B, AND C OF SECTION 25 OF ORDINANCE NO. 263-A RELATING TO WATER RATES AND INCREASING MINIMUM CHARGE FROM \$300 TO \$400 BI-MONTHLY, EFFECTIVE JUNE 1, 1963.

SECTION 1: That Subsections A, B, and C, of Section 25 of Ordinance No. 263-A be amended to read as follows: A. MINIMUM CHARGES In no case shall the minimum charge for water service based on bi-monthly consumption by each individual consumer be less than Four Dollars, and no discount be allowed.

B. RATE SCHEDULE For the first 10,000 gallons, or fraction thereof, of water used or consumed, \$4.00; no discount allowed. For the next 40,000 gallons of water used or consumed, 25c per thousand gallons. For the next 150,000 gallons of water used or consumed, 20c per thousand gallons.

For next 100,000 gallons of water used or consumed, 18c per thousand gallons. Next 100,000 gallons of water used or consumed, 17c per thousand gallons.

Over 400,000 gallons of water used or consumed, 15c per thousand gallons. C. METER READINGS: BILLING: SERVICE SHUT OFF FOR NON-PAYMENT All meters of consumers shall be read by the water commissioner or his agent, between the 20th day of the last month of the bi-monthly period during which the water service is used and the first day of the succeeding period.

The water commissioner, or his duly authorized agents who are charged with the duty of reading water meters, shall, as said water meters are read, make statements for each consumer and enter the same on the books of the water department. All bills for water service shall be due on the first day of the succeeding bi-monthly period, and shall be payable at such place as the water commissioner shall designate. If such water bills are not paid within thirty days after the same are due, the water service of the consumer shall be discontinued and shall not be turned on again until said bill and other charges, if any, due said city be paid, together with a fee of \$4.00 for resumption of service.

The water commissioner may, whenever he deems it advisable or necessary, declare any water bill due at any time and proceed to collect the same; and, in his discretion, may require charges for water service to be paid in advance. The City of O'Neill is hereby divided into two water districts, District No. 1 shall comprise all of the territory lying East of Fourth Street, and District No. 2 shall comprise all of the territory lying West of Fourth Street. The bi-monthly periods for computing water rentals in District No. 1 shall commence on the 1st day of July, September, November, January, March and May of each year, and in District No. 2 on the first day of alternate months from those set forth for District No. 1.

SECTION 2: That Subsections A, B, and C, of Section 25 of Ordinance No. 263-A be and it hereby is repealed. SECTION 3: That all other sections of Ordinance No. 263-A shall remain in full force and effect. SECTION 4: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 7th DAY OF MAY, 1963. D. C. SCHAFFER Mayor

O. D. FRENCH City Clerk (SEAL)

Councilman Reynoldson introduced an ordinance entitled: AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO PROVIDE FOR THE LICENSING, REGULATING AND TAXING OF DOGS HARBORED OR RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL, NEBRASKA.

To provide for the licensing, regulating and taxing of dogs harbored or running at large within the corporate limits of the City of O'Neill, Nebraska, to prohibit cruelty to animals; to prohibit animals or fowls from running at large; to provide penalties for the violation thereof; to repeal all ordinances and parts of ordinances in conflict therewith; and to prescribe the time when this ordinance shall be in full force and take effect.

Said ordinance was fully and distinctly read, and on motion said ordinance was designated as Ordinance No. 354-A of said City and the title approved. Thereupon Councilman Reynoldson moved that the statutory rule requiring the reading of ordinances on three different days be dispensed with, which motion was seconded by Councilman Janousek and the roll was called on the adoption of said motion and the Councilmen present voted as follows: All Aye. None Nay: Said motion, having been concurred in by three-fourths of the Councilmen present, was by the Mayor declared passed and adopted.

Thereupon said ordinance was read by title a second time and was then read at large and put upon final passage and the Mayor stated the question is: "Shall Ordinance No. 354-A be passed and adopted?" The roll was then called on the passage and adoption of said ordinance and the Councilmen voted as follows: All Aye. None Nay: The passage and adoption of said ordinance having been concurred in by not less than three-fourths of all the members of the Council, said ordinance was by the Mayor declared passed and adopted.

A true, correct and complete copy of said ordinance is as follows: CITY OF O'NEILL, NEBRASKA ORDINANCE NO. 354-A AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, TO PROVIDE FOR THE LICENSING, REGULATING AND TAXING OF DOGS HARBORED OR RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL, NEBRASKA.

To provide for the licensing, regulating and taxing of dogs harbored or running at large within the corporate limits of the City of O'Neill, Nebraska, to prohibit cruelty to animals; to prohibit animals or fowls from running at large; to provide penalties for the violation thereof; to repeal all ordinances and parts of ordinances in conflict therewith; and to prescribe the time when this ordinance shall be in full force and take effect.

SECTION 1: Terms, Defined. The term dog, whenever used in this article, shall be held to apply to both male and female dogs of all ages. The term spayed shall be construed to mean any neutered female dog as evidenced by the certificate of a licensed veterinarian.

SECTION 2: Who Deemed Harbored. Any person who shall harbor or permit any dog to be for ten days or more or let the same habitually remain and be fed for the period of ten days or more, or about his house, store or enclosure, shall be deemed the harbinger of such dog, and shall be liable to the penalties herein prescribed for the violation of this article.

SECTION 3: Dangerous Dogs at Large; Rabid Dogs: If the owner or harbinger of a fierce or dangerous dog, after its disposition and nature have been ascertained, permits the same to be at large in this City to the danger or annoyance of the citizens, he shall be deemed guilty of a misdemeanor, and upon conviction hereof, shall be punished as provided. The Chief of Police or other constable designated by the City Council is hereby authorized to kill such dog if found running at large. The prudent use of firearms by the Chief of Police or such other officer for this purpose or for any purpose required by any article shall not be considered a violation of the ordinances of this City. The City Council by resolution may prohibit, by proclamation, the running at large of any dog at any time of the year when, in said Council's opinion, the public is in danger from rabid dogs. All dogs are to be tied or confined between the dates of April 1st to October 1st of each year.

SECTION 4: Female Dogs in Season: The owner or harbinger of any female dog, licensed or unlicensed, who permits such dog to run at large while in season, shall, upon conviction thereof, be punished as hereinafter provided. The Chief of Police or other officer designated by the City Council is hereby authorized to kill any such dog if found running at large in such condition.

SECTION 5: Plates, Tags: It shall be unlawful for any dog to run at large or to be harbored within the corporate limits of this City, unless such dog shall have a collar with a metallic tag or tag fastened upon it. Each and every such tag or plate shall have plainly engraved or stamped thereon in plain letters, Dog Tax, O'Neill, Nebraska, and in figures the year for which the same was given and the number, which shall represent the number of such plate or tag. Provided that the shape and appearance of the same be different each year and shall be numbered from one upwards.

SECTION 6: Dog Tax. When Due. When Delinquent: Every Tax within the Corporate Limits of this City shall be levied upon the female dog in this City, shall pay to the City Clerk or other representative, as dog tax, the sum of Two dollars per annum. Such tax shall be payable on or before the first day of January of each year. Each person so paying shall have a metallic tag attached to the collar of the dog showing the number as proved in Section 5 of this ordinance; Provided, the harbinger of any dog brought into or harbored within the corporate limits of this City subsequent to January first in any year shall be liable for the dog tax levied herein. Dog tax shall become delinquent January 10th of each year, or within ten days after the dog or dogs shall have been brought within the corporate limits of this village as required to January first in each year. The Chief of Police when directed by the City Clerk shall assist the said Clerk in the collection of the annual dog tax as provided herein. All dog tax money shall be credited to the General Fund of this City.

SECTION 7: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5) Five days, after which time if the dog is not called for or if the dog is called for, said dog shall be destroyed.

SECTION 8: Possioning or Injuring Dogs: It shall be unlawful for any person or persons to administer or cause to be administered any drug or poison, or to injure, maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food within the reach of, or accessible to any dog; Provided however, this section shall not apply to the killing of dogs with firearms by the Chief of Police or other officer designated by the City Council carrying out or attempting to carry out his duties assigned him in other sections of this article.

SECTION 9: Barking, Howling, Yelping or Offensive Dogs: No person shall own, keep or harbor any dog within the corporate limits of this City which by barking, howling or yelping shall annoy or disturb any neighborhood or person or which habitually barks or chases pedestrians, horses or any vehicle whatsoever to the annoyance of such pedestrians, drivers or owners of vehicles, or on any public sidewalks, streets, alleys, or avenues in said City.

SECTION 10: Dogs, Injuring or Destroying Property of Another: No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, any dog, which, by its actions, injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it appears to the Police Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of any property so injured or destroyed.

SECTION 11: Animals and Fowls Running at Large: No persons having the charge, custody, or control thereof, shall permit any horse, mule, cow, sheep, goat, swine, except as in this chapter otherwise provided, to go loose or run at large in any of the public ways, or upon the property of another, in this City, or to be tethered or staked out in such a manner as to allow said animal to run at large, or to pass into any public way, or upon the property of another, and the running at large within the limits of this City, is hereby declared to be a common nuisance and the same is hereby prohibited.

SECTION 12: Animals, Cruelty to: Any person or persons who shall inflict any beating, strike, kick or wound any domestic animal within the corporate limits of this City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this City, torture, torment, in a cruel or inhuman manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 13: Animals Not to be Kept in Enclosures: No more than One Hundred Feet of Residence of Another: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any domestic animal within one hundred feet of any part of any building used for residential purposes or place of dwelling.

SECTION 14: FOWLS NOT TO BE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any chickens, ducks, turkeys or geese, or any other fowl within the City of O'Neill.

SECTION 15: Penalties. Penalty: Any person who shall violate any provisions of Articles I and II of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 16: Repeal of Prior Ordinances in Conflict: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith, are hereby repealed.

SECTION 17: When Operative: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

SECTION 18: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5) Five days, after which time if the dog is not called for or if the dog is called for, said dog shall be destroyed.

SECTION 19: Possioning or Injuring Dogs: It shall be unlawful for any person or persons to administer or cause to be administered any drug or poison, or to injure, maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food within the reach of, or accessible to any dog; Provided however, this section shall not apply to the killing of dogs with firearms by the Chief of Police or other officer designated by the City Council carrying out or attempting to carry out his duties assigned him in other sections of this article.

SECTION 20: Dogs, Injuring or Destroying Property of Another: No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, any dog, which, by its actions, injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it appears to the Police Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of any property so injured or destroyed.

SECTION 21: Animals and Fowls Running at Large: No persons having the charge, custody, or control thereof, shall permit any horse, mule, cow, sheep, goat, swine, except as in this chapter otherwise provided, to go loose or run at large in any of the public ways, or upon the property of another, in this City, or to be tethered or staked out in such a manner as to allow said animal to run at large, or to pass into any public way, or upon the property of another, and the running at large within the limits of this City, is hereby declared to be a common nuisance and the same is hereby prohibited.

SECTION 22: Animals, Cruelty to: Any person or persons who shall inflict any beating, strike, kick or wound any domestic animal within the corporate limits of this City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this City, torture, torment, in a cruel or inhuman manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 23: Animals Not to be Kept in Enclosures: No more than One Hundred Feet of Residence of Another: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any domestic animal within one hundred feet of any part of any building used for residential purposes or place of dwelling.

SECTION 24: FOWLS NOT TO BE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any chickens, ducks, turkeys or geese, or any other fowl within the City of O'Neill.

SECTION 25: Penalties. Penalty: Any person who shall violate any provisions of Articles I and II of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 26: Repeal of Prior Ordinances in Conflict: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith, are hereby repealed.

SECTION 27: When Operative: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

SECTION 28: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5) Five days, after which time if the dog is not called for or if the dog is called for, said dog shall be destroyed.

SECTION 29: Possioning or Injuring Dogs: It shall be unlawful for any person or persons to administer or cause to be administered any drug or poison, or to injure, maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food within the reach of, or accessible to any dog; Provided however, this section shall not apply to the killing of dogs with firearms by the Chief of Police or other officer designated by the City Council carrying out or attempting to carry out his duties assigned him in other sections of this article.

SECTION 30: Dogs, Injuring or Destroying Property of Another: No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, any dog, which, by its actions, injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it appears to the Police Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of any property so injured or destroyed.

SECTION 31: Animals and Fowls Running at Large: No persons having the charge, custody, or control thereof, shall permit any horse, mule, cow, sheep, goat, swine, except as in this chapter otherwise provided, to go loose or run at large in any of the public ways, or upon the property of another, in this City, or to be tethered or staked out in such a manner as to allow said animal to run at large, or to pass into any public way, or upon the property of another, and the running at large within the limits of this City, is hereby declared to be a common nuisance and the same is hereby prohibited.

SECTION 32: Animals, Cruelty to: Any person or persons who shall inflict any beating, strike, kick or wound any domestic animal within the corporate limits of this City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this City, torture, torment, in a cruel or inhuman manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 33: Animals Not to be Kept in Enclosures: No more than One Hundred Feet of Residence of Another: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any domestic animal within one hundred feet of any part of any building used for residential purposes or place of dwelling.

SECTION 34: FOWLS NOT TO BE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any chickens, ducks, turkeys or geese, or any other fowl within the City of O'Neill.

SECTION 35: Penalties. Penalty: Any person who shall violate any provisions of Articles I and II of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 36: Repeal of Prior Ordinances in Conflict: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith, are hereby repealed.

SECTION 37: When Operative: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

SECTION 38: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5) Five days, after which time if the dog is not called for or if the dog is called for, said dog shall be destroyed.

SECTION 39: Possioning or Injuring Dogs: It shall be unlawful for any person or persons to administer or cause to be administered any drug or poison, or to injure, maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food within the reach of, or accessible to any dog; Provided however, this section shall not apply to the killing of dogs with firearms by the Chief of Police or other officer designated by the City Council carrying out or attempting to carry out his duties assigned him in other sections of this article.

SECTION 40: Dogs, Injuring or Destroying Property of Another: No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, any dog, which, by its actions, injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it appears to the Police Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of any property so injured or destroyed.

SECTION 41: Animals and Fowls Running at Large: No persons having the charge, custody, or control thereof, shall permit any horse, mule, cow, sheep, goat, swine, except as in this chapter otherwise provided, to go loose or run at large in any of the public ways, or upon the property of another, in this City, or to be tethered or staked out in such a manner as to allow said animal to run at large, or to pass into any public way, or upon the property of another, and the running at large within the limits of this City, is hereby declared to be a common nuisance and the same is hereby prohibited.

SECTION 42: Animals, Cruelty to: Any person or persons who shall inflict any beating, strike, kick or wound any domestic animal within the corporate limits of this City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this City, torture, torment, in a cruel or inhuman manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 43: Animals Not to be Kept in Enclosures: No more than One Hundred Feet of Residence of Another: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any domestic animal within one hundred feet of any part of any building used for residential purposes or place of dwelling.

SECTION 44: FOWLS NOT TO BE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any chickens, ducks, turkeys or geese, or any other fowl within the City of O'Neill.

SECTION 45: Penalties. Penalty: Any person who shall violate any provisions of Articles I and II of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 46: Repeal of Prior Ordinances in Conflict: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith, are hereby repealed.

SECTION 47: When Operative: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

SECTION 48: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5) Five days, after which time if the dog is not called for or if the dog is called for, said dog shall be destroyed.

SECTION 49: Possioning or Injuring Dogs: It shall be unlawful for any person or persons to administer or cause to be administered any drug or poison, or to injure, maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food within the reach of, or accessible to any dog; Provided however, this section shall not apply to the killing of dogs with firearms by the Chief of Police or other officer designated by the City Council carrying out or attempting to carry out his duties assigned him in other sections of this article.

SECTION 50: Dogs, Injuring or Destroying Property of Another: No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, any dog, which, by its actions, injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it appears to the Police Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of any property so injured or destroyed.

SECTION 51: Animals and Fowls Running at Large: No persons having the charge, custody, or control thereof, shall permit any horse, mule, cow, sheep, goat, swine, except as in this chapter otherwise provided, to go loose or run at large in any of the public ways, or upon the property of another, in this City, or to be tethered or staked out in such a manner as to allow said animal to run at large, or to pass into any public way, or upon the property of another, and the running at large within the limits of this City, is hereby declared to be a common nuisance and the same is hereby prohibited.

SECTION 52: Animals, Cruelty to: Any person or persons who shall inflict any beating, strike, kick or wound any domestic animal within the corporate limits of this City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this City, torture, torment, in a cruel or inhuman manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 53: Animals Not to be Kept in Enclosures: No more than One Hundred Feet of Residence of Another: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any domestic animal within one hundred feet of any part of any building used for residential purposes or place of dwelling.

SECTION 54: FOWLS NOT TO BE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF O'NEILL: No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any chickens, ducks, turkeys or geese, or any other fowl within the City of O'Neill.

SECTION 55: Penalties. Penalty: Any person who shall violate any provisions of Articles I and II of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 56: Repeal of Prior Ordinances in Conflict: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith, are hereby repealed.

SECTION 57: When Operative: This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

SECTION 58: Enforcement of Dog Ordinances: Impounding, Killing of Dogs: Additional Compensation of Chief of Police or other constable: It shall be the duty of the Chief of Police or other constable, designated by the City Council, after January tenth in each year, or when the dog tax becomes delinquent, as aforesaid, to take up and kill any dog, male or female, harbored and found running at large or running at large within the corporate limits hereof and not having about its neck the tag or plate provided for in Section 5 of this Ordinance; and, for each dog so killed and disposed of, the Chief of Police or other constable, designated by the City Council, receive in addition to his salary the sum of \$1.00 One Dollar, the same to be paid out of other claims against the general fund of said City. No dog so taken by the Chief of Police or other officer of this City shall be killed until such officer, after consulting the records in the office of the City Clerk, shall have satisfied himself that the tax herein levied on said dog is due and unpaid, and until such officer shall have read and signed or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due; PROVIDED, each dog so taken will be impounded for at least (5)