ORDER REGULATING PUBLIC FOUNT.

Order No. 88—Establishing the Public Fount and repealing Orders No. 67 & 73.

The People of the city and county of San Francisco do ordain as follows:

Sec. 1. That a Public Fount be and the same is hereby established, to be located on or near Larkin street, between California and Sutter streets, for the safe keeping of all animals running at large in the public streets and squares, east of the west line of Larkin street, and north of the south line of Johnson street.

Sec. 2. There shall be appointed by the Board of Supervisors some suitable person as Pound Keeper, whose duty shall be to receive and safely keep all horses, mules, oxen, sheep, goats, hogs, dogs, or other animals, brought or driven to said pound, and under such regulations as is hereinafter recited, or may be hereinafter ordered by the Board of Supervisors, but such Pound Keepers shall collect the fees and such charges for feeding, keeping and caring for any such animals as may be fixed and set forth herein provided.

Sec. 3. The Pound Keeper may appoint one or more deputies, who shall have the same powers in all respects as their principal. Their appointment shall be in writing, signed by the Pound Keeper, and filed with the clerk of the Board of Supervisors, and the same may be revoked or notice to the said clerk, and for the official acts of said deputy or deputies the Pound Keeper shall be liable therefor.

Sec. 4. All animals found trespassing upon the private enclosures, the streets, squares, and the limits prescribed in Section 1, and within the limits of the City and County of San Francisco, shall be and may be taken up by any person, and be committed to the custody of the pound keeper, who shall hold the same subject to reasonable demands for damages, in addition to the fees and cost of keeping, as provided in Section 2.

Sec. 5. All stray animals taken up trespassing upon private property or running at large in the public streets, and not reclaimed within two days after being impounded shall be advertised in the newspapers, and as follows: Horses, cows, oxen and mules for 7 days; all other animals for five days. The cost of such advertising shall be paid by the owner of the animal so advertised or taken up. Provided, that notice of dogs which the Pound Keeper may be unable to ascertain the owner of, need not be advertised on the entrance of the Pound.

Sec. 6. On the first day of December, it shall be unlawful for the owner of any horse, mare, mule, bull, cow, ox, calf, dog, hog, dog, or other animal, to allow the same to run at large in any of the public streets or squares comprised in the limits prescribed in Section 1, under a penalty of five dollars, exclusive of cost, for each offense, if committed before the issue of the warrant; or ten dollars, if so committed after the issue of the warrant; and it shall be unlawful for any person to take up and detain any animal trespassing upon any such street or place in violation of this section.

Sec. 7. As the duty of the owner or owners of any dog or dogs which they desire to have allowed to run at large within the limits designated in said Section 1 shall cause such dog or dogs to be securely muzzled when in the streets, and to place and keep the same with such dog or dogs, shall be marked with the owner’s name and number, or plainly marked thereon; Provided, that no such animal shall be allowed to run, unless the same shall be muzzled or colloquially marked with the owner’s name; and it shall be unlawful for any person to take up and detain any animal trespassing upon any such street or place, or to run any dog or dog or dogs within the limits designated in said Section 1, under a penalty of ten dollars, exclusive of cost, for each offense, unless the same shall be muzzled or colloquially marked with the owner’s name.

Sec. 8. From and after the passage of this Ordinance, it shall be unlawful for any person to remove any dog taken up in said street or place, except by a person authorized to do so by the Pound Keeper, or by any person having a warrant issued by the Pound Keeper for the same, or by any person acting under the authority of the said Pound Keeper, for the purpose of delivering the dog to the owner, or to the pound keeper, with reasonable cause for doing so, in violation of the requirements of this section, or refusing to deliver into the hands of the Pound Keeper any animal taken up, shall be fined not less than five dollars, nor more than ten dollars for each offense.

Sec. 9. It shall be unlawful for any person to drive at any hours of the day or night, on the streets or streets in said City and County, any animal except those which are secured together, excepting only herds of sheep, hogs, and domestic fowl, or any person having the use of any such hogs, sheep, or domestic fowl, which is not necessary to be done by the act of the Pound Keeper, in such manner as to be visible to any other person, and in such manner as to be a nuisance to any other person.

Sec. 10. It shall be unlawful for any person to drive any herd of animals so as to be injured by such driving, or to drive any herd of animals so as to be injured by the driving of any other herd of animals, or to drive any herd of animals in such manner as to be a nuisance to any other person.

Sec. 11. It shall be the duty of the Pound Keeper, by himself or deputy, to keep a faithful record of all animals taken up and committed to his custody, and such records shall fully describe the said animal or animals, stating the place and time when received, when delivered or sold, or if destroyed, the time and cause of its destruction, and he shall also keep conspicuously posted at the entrance of the pound, a notice of all animals detained.

Sec. 12. It shall be the duty of the Pound Keeper to provide necessary subsistence for all animals impounded, and when they have been duly advertised, as provided in section 5, all such impounded animals, upon which the charges have not been paid, shall be sold at public auction, by the said Pound keeper, or his deputy, in front of said pound, and the proceeds after deducting the necessary expenses for the use of the owner of said animal or animals, provided that if the same be not claimed by the owner within twenty-four hours after the time of sale, the same shall be applied to the use of the pound keeper, after payment of the expenses of keeping said pound. And it shall be lawful for the Pound Keeper to keep all dogs five days for redemption, at the expiration of which time, he may sell the same at private sale, or, if worthless he shall then destroy them, and in the event of any animal impounded may return the same at any time before sale, by paying the cost and charges of keeping the same, in any manner, in any animal sold by him as Pound Keeper.

Sec. 13. It shall be unlawful for the Pound Keeper and his deputy to be interested, directly or indirectly, in any manner, in any animal sold by him as Pound Keeper.

Sec. 14. The charges upon each animal impounded, shall be as follows:

For each horse, mare or mule, two dollars—and one dollar per day for keeping, two dollars additional advertised, five per cent commission if sold, and one dollar for arresting and driving.

For each ox, cow, or hog, two dollars—and one dollar per day for keeping, two dollars additional advertised, five per cent commission if sold, and one dollar for arresting and driving.

For each sheep, goat, hog or dog, one dollar—and fifty cents per cent for keeping, two dollars if advertised, five per cent commission if sold, and fifty cents for arresting and driving.

The compensation to be allowed the Pound Keeper, payable out of the fines and fees hereinbefore provided for, shall be one hundred and twenty-five dollars per month, and such sums as he may derive under section 7, for driving said animals; and any citizen taking up and placing in the custody of the Pound Keeper, any animal, shall be entitled to the compensation provided for in section 15, which can only be paid after the animal has been taken up.

Sec. 17. The Pound Keeper appointed under this Ordinance, shall, before entering upon his duties, file with the President of this board, a bond in the penal sum of one thousand dollars, with two or more sureties, to be approved by the President and county judge, and to be conditioned for the faithful performance of his duties as Pound Keeper, and that he will keep a correct and true account of, and pay over to the Treasurer the same, as moneys received by him for fees, fines or forfeitures, from which the compensation of said Pound Keeper shall be allowed.

Sec. 18. The Pound Keeper may at any time appoint Pound Drivers for driving any animals to the Pound, running at large in this City and County, and may also employ any person to drive or turn over to the Pound Keeper, with reasonable cause for doing so, any animal running at large, or to trespass contrary to the provisions of this order; and no person shall willfully obstruct, or prevent the apprehension of, or the arrest of any animal running at large or trespassing contrary to this order, under a penalty of not less than ten dollars for each offense, for each and every offense—exclusive of costs.

Sec. 19. The Pound Keeper and deputies, shall provide a pitch or circular iron plate, to be worn on the left breast, with the word Pound Keeper or Deputy Pound Keeper plainly engraved thereon.

Sec. 20. All Orders, Ordnances, or parts thereof, conflicting with the provisions of this Order or otherwise repealed.

In Board of Supervisors, November 12, 1858, finally passed by the following votes:—Ayes— Supervisors: Kearny, Cole, Young, Tennent, Paason, Rane, McKibbon and Sneed. Not—Supervisor Belden. Absent—Supervisors Henley, Torbert and Tilton.

MILO CALKIN, CLERK.

E. W. BURR, President Board of Supervisors.

ALTA JOB PRINT, No. 124 Sacramento Street, Up Stairs.

Approved, San Francisco, Nov. 18, 1858.