

DOCUMENT NO. 207

ORDINANCE NO. 75

Restraining the
pasturing and running
at large of cattle
within City limits.

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REPEALED

CHARTER ORDINANCE NO. 75

Restraining the Pasturing and Running at Large of
Cattle within certain City Limits.

Office of the Board of Trustees of the City of San Diego.

Be it ordained by the Board of Trustees of the City of San Diego
as follows:

Section 1. All hogs, pigs, goats, sheep, horses, mules, jackasses,
horned or other cattle, grazing, pasturing or running at large
within the limits of the City of San Diego hereinafter specified,
are hereby declared a nuisance.

Section 2. Hereafter it shall be unlawful for any person or persons
owning or having the control of any such hogs, pigs, goats, sheep,
horses, mules, jackasses, horned or other cattle, to permit them,
or any of them, to graze, pasture or run at large within the following
described limits of and within said City, to wit: Any and all that
portion of the City of San Diego lying South of the "Fourth Standard
South" as established by the United States Government Survey, being
all that portion of said City included within the following boundaries,
to wit: Commencing on the East shore of San Diego Bay when the North
line of Juniper Street (being near the Bridge on the Old Town Road)
extended West, intersects said shore, thence directly East along said
line extended Eastward to the Eastern boundary of said City. Thence
South Easterly along said Eastern boundary line to Northern line of the
Rancho de la Nacion. Thence Southwesterly along said boundary line

between said Rancho de la Nacion and said City to Eastern shore of San Diego Bay. Thence Northwesterly and Northerly along the meanderings of said Bay to the place of commencement. Provided however that the provisions of this ordinance shall in no wise affect the use and occupation of any lands within said limits by the legal owners thereof or their lessees.

Section 3. Whenever the Marshall of the City shall discover, or be notified by any person therein, that any animals above enumerated are grazing, pasturing or running at large in violation of the provisions of this ordinance, it shall be his duty immediately to cause them to be taken in charge and placed in the City Pound, and within twenty-four hours thereafter to cause these notices to be posted in public places in said City, one of which shall be put up at the Post Office door therein, describing said animal so impounded, giving their marks and brands when practical, with the date of the posting of such notices. And unless the owner or owners thereof come and claim said animal so impounded within five days from and after the date of said notices, and prove the ownership of said property and pay all lawful charges thereon, as hereinafter provided, said City Marshall is hereby authorized, and it is made his duty, to expose such animal or animals for sale at public auction to the highest and best bidder for cash; and the proceeds of said sale shall be applied first to the payment of the fines and charges hereinafter specified, and the residue thereof, if any there be, shall be paid into the City Treasury for the benefit of the owner or owners thereof, and at the same time he shall deliver to the City Clerk a full description of the animal sold as aforesaid, with the sum deposited to the account of the owner thereof, including a full statement showing the charges, costs and

all expenses incurred about or concerning said animal.

Section 4. The following fines and charges are hereby imposed, for any violation of the provisions of this ordinance for every horse, mule, jackass, horned or other cattle impounded, one dollar, and also fifty cents per day for keeping, one dollar additional if advertised, five per cent commission if sold, and one dollar for taking up and driving to the Pound; for every hog, pig, goat or sheep impounded, fifty cents, and in addition twenty-five cents per day, for keeping, one dollar if advertised, five per cent commission if sold, and fifty cents for taking up and driving to the Pound. All to be collected in gold coin. All of which is hereby made a lawful charge against the owner of said animal, and a lien upon the said animal for the payment thereof.

Section 5. The Marshal shall deliver to the purchaser of any such animal at any sale made by him as aforesaid, a bill of sale therefor, which shall be evidence of his title thereto.

Section 6. Charter Ordinances No. 30, 60 and 65 are hereby repealed.

Section 7. This ordinance shall take effect and be in force from and after the 15th instant.

Passed and approved by the Board of Trustees on this 5 day of
January 1876.

(SEAL)

ATTEST

W.A. Begole, President

M. Keating, Clerk

I hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 75 of the City of San Diego, California, adopted January 5, 1876

Charles G. Abdelnour

City Clerk of the City of
San Diego

[SEAL]

By _____ Deputy

(being near the Bridge at the on the old town Road)
extended west, intersects the said shore, thence
directly East along said line extended
Eastward to the eastern boundary of said City,
Thence south East along said eastern bound-
ary line to northern line of the Rancho
de laACION. Thence southwesterly along
said boundary line between said Rancho de
laACION and said City to eastern shore
of San Diego Bay. Thence northwesterly
and northerly along the meanderings
of said Bay to the place of commencement.
Provided however that the provisions of this
Ordinance shall in no wise affect the
use and occupation of any lands with-
in said limits by the legal owners
thereof or their lessees.

Sec 3. Whenever the Marshall of the City shall
discover, or be notified by any person therein,
that any animals above enumerated are
grazing, pasturing or running at large in
violation of the provisions of this Ordinance,
it shall be his duty immediately to cause
them to be taken in charge and placed in
the City Pound, and within twenty-four
hours thereafter to cause three notices to be
posted in public places in said City, one of
which shall be put up at the Post office door
therein, describing said animal so im-
pounded, giving their marks and brands

when practical, with the date of the posting of such notices. and unless the owner or owners thereof come and claim said animal so impounded within five days from and after the date of said notices, and prove the ownership of said property and pay all lawful charges thereon, as hereinafter provided, said City Marshall is hereby authorized, and it is made his duty, to expose such animal or animals for sale at public auction to the highest and best bidder for cash; and the proceeds of said sale shall be applied first to the payment of the fines and charges hereinafter specified, and the residue thereof, if any there be, shall be paid into the City Treasury for the benefit of the owner or owners thereof, and at the same time he shall deliver to the City Clerk a full description of the animal sold as aforesaid, with the sum deposited to the account of the owner thereof, including a full statement showing the charges, costs & all expenses incurred about or concerning said animal;

Sec 4. The following fines and charges are hereby imposed, for any violation of the provisions of this Ordinance: -
For every horse, mule, jackass, horned

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Charter Ordinance

No 75

or other cattle impounded, one dollar, and also fifty cents per day for keeping, one dollar additional if advertised, five per cent commission if sold, and one dollar for taking up and driving to the Pound; for every hog, pig, goat or sheep impounded, fifty cents, and in addition twenty-five cents per day for keeping, one dollar if advertised, five per cent commission if sold, and fifty cents for taking up and driving to the Pound. All to be collected in gold coin. All of which is hereby made a lawful charge against the owner of said animal, and a lien upon the said animal for the payment thereof.

Sec 5. The Marshal shall deliver to the purchaser of any such animal at any sale made by him as aforesaid, a bill of sale therefor, which shall be evidence of his title thereto.

Sec 6. Charter Ordinance No 75 and 65 are hereby repealed.

Sec 7. This ordinance shall take effect on the 15th instant

Witness my hand and seal
 this 5 day of January 1876
 Seal
 attest M. Keatingy clerk
 W. A. Byrle Recd

Filed 190

City Clerk

By

Deputy

Ordinance No. 75
*Restraining the
pasturing and running
at large of Cattle
within City limits*

Adopted by Board of Delegates

Adopted by Board of Aldermen

Approved by the Mayor

A. 2 57 2