

stance by the building inspector and the Governing Body in ordering repair, vacation or demolition:

- A. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it shall be ordered repaired.
- B. If the "dangerous building" is in such condition as to make it dangerous to the health morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. Where a "dangerous building" is fifty per cent (50%) damaged, decayed, or deteriorated from its original value or structure it shall be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this section or any ordinance of the Town or Statute of the State, it shall be demolished.

CHAPTER 11

ANIMALS

ARTICLE I

LIVESTOCK

Section 11.1 CONFINEMENT OF ANIMALS RUNNING AT LARGE, COSTS
 Section 11.2 GRAZING UPON PUBLIC THOROUGHFARES
 Section 11.3 HITCHING ANIMALS TO PUBLIC OR PRIVATE PROPERTY
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 Section 11.7 FOWL AND RABBITS RESTRAINED
 Section 11.8 PREMISES KEPT CLEAN

Section 11.1 CONFINEMENT OF ANIMALS RUNNING AT LARGE, COSTS

- Item 1. If any animal is found running at large contrary to the provisions of this section, the Chief of Police shall take up the animal and confine it in a secure place provided for that purpose and such animal taken up and confined shall not be

released until the owner or person entitled to the possession thereof shall pay to the officer having such animals in his keeping the sum of twenty-five dollars (\$25.00) for the taking up of such animal together with the sum of one dollar fifty cents (\$1.50) per day for each and every day such animal is kept by the officer aforesaid unless otherwise provided in this Code and the money shall be turned over to the Town Clerk-Treasurer.

Section 11.2 GRAZING UPON PUBLIC THOROUGHFARES

Item 1. It is unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in the Town in such manner that any such animal may graze upon the grass, herbage, or trees growing upon or along any of said streets, sidewalks or alleys, or for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said streets, sidewalks or alleys.

Section 11.3 HITCHING ANIMALS TO PUBLIC OR PRIVATE PROPERTY

Item 1. It is unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree, bush, whether private or public, without the permission of the owner thereof. It is unlawful for any person to hitch any such animal to any lamp post or fire hydrant of this Town.

Section 11.4 MALTREATMENT

Item 1. It is unlawful for any person to unnecessarily beat, injure or maltreat any animal.

Section 11.5 HOGS, SHEEP AND GOATS PROHIBITED

Item 1. It is unlawful for any person to keep or harbor any hogs, sheep or goats within the corporate limits of the Town.

Section 11.6 CATTLE AND HORSES PROHIBITED

Item 1. It is unlawful for any person to herd or harbor any cattle, horse or other livestock within the limits of the Town.

Section 11.7 FOWL AND RABBITS RESTRAINED

Item 1. It is unlawful for any person who owns, harbors or keeps within the limits of the Town any chicken,

ducks, geese, turkeys, or other domestic fowl, or any hare or rabbit, to fail to keep the same securely enclosed in a pen or building, or to permit the same to run at large or to go upon the premises of another.

Section 11.8 PREMISES KEPT CLEAN

- Item 1. Any person who owns, controls any lot, barn, stable, shed, building or other place where domestic fowl or animals are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week.

ARTICLE II

DOGS AND CATS

- Section 11.10 DEFINITIONS
 Section 11.11 LICENSE REQUIRED
 Section 11.12 FEES
 Section 11.13 RABIES VACCINATION REQUIRED
 Section 11.14 BY LICENSED VETERINARIAN
 Section 11.15 PREREQUISITE TO ISSUANCE OF LICENSE, FORM OF APPLICATION FOR LICENSE
 Section 11.16 POSSESSION
 Section 11.17 ATTACHMENT TO DOGS AND CATS COLLAR OR HARNESS
 Section 11.18 TO BE WORN ONLY BY LICENSED DOGS AND CATS
 Section 11.19 IMPOUNDMENT
 Section 11.20 ESTABLISHMENT OF POUND
 Section 11.21 FILING OF COMPLAINT IN MUNICIPAL COURT
 Section 11.22 NOTICE TO OWNER OR KEEPER OF DOG OR CAT
 Section 11.23 RELEASE OF IMPOUNDED DOGS AND CATS, DESTRUCTION OF DOGS AND CATS
 Section 11.24 DISPOSAL OF DOG OR CAT OF UNKNOWN OWNER OF KEEPER
 Section 11.25 REDEMPTION FEES
 Section 11.26 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR POLICE OFFICER PERFORMING HIS DUTIES
 Section 11.27 INSTIGATING OR ENCOURGING DOG OR CAT FIGHTS PROHIBITED
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 Section 11.29 FEMALE DOGS OR CATS IN HEAT
 Section 11.30 RUNNING AT LARGE PROHIBITED
 Section 11.31 VICIOUS DOGS OR CATS
 Section 11.32 CONFINEMENT OF BITING DOGS OR CATS
 Section 11.33 NOTICE OF KNOWLEDGE OF VIOLATION OF SECTION NOT NECESSARY FOR PROSECUTION OF OWNER OF KEEPER.

Section 11.10 DEFINITIONS

- Item 1. "Dog" Defined. The word "dog" as used in this

section shall be construed to mean any dog, bitch or whelp over three (3) months of age.

- Item 2. "Cat" Defined. The word "cat" means any member of the felidae family, including the domestic cat, lion, tiger, leopard, jaguar, wildcat, lynx, cheetah and any other members of the feline family of either sex, six (6) months of age or older.

Section 11.11 LICENSE REQUIRED

- Item 1. The owner, possessor or keeper of any dog or cat within the Town shall secure a license for such dog or cat from the Police Department on or before the first day of March of each year or within thirty (30) days after the dog reaches the age of three (3) months or the cat reaches the age of six (6) months. Dogs or cats purchased, obtained or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of this Town shall have thirty (30) days after becoming residents to secure a license hereafter.

Section 11.12 FEES

- Item 1. The annual license fee for dogs and cats within this Town shall be one dollar (\$1.00)

Section 11.13 RABIES VACCINATION

- Item 1. The owner, possessor or keeper of every dog or cat within the Town shall have such dog or cat inoculated against rabies between January 1 and April 15 of each year. Dogs or cats purchased, obtained or otherwise acquired or brought into the Town subsequent to the first day of March in any calendar year shall be inoculated within thirty (30) days after such acquisition of being brought into the Town.

Section 11.14 BY LICENSED VETERINARIAN

- Item 1. The inoculation required by section 11.13 shall be made by any veterinarian licensed to practice veterinary medicine in this State.

Section 11.15 PREREQUISITE TO ISSUANCE OF LICENSE, FORM OF APPLICATION FOR LICENSE

- Item 1. Upon application for a dog or cat license, the applicant shall exhibit to the Department a certificate from a licensed veterinarian that the dog

or cat has been inoculated against rabies as required by this section. All applications for license shall be made on forms provided by the Department.

Section 11.16 POSSESSION

- Item 1. Only those persons who own, possess or keep a dog or cat duly licensed and inoculated in accordance with the provisions of this section shall be permitted to possess a dog or cat tag as herein provided for.

Section 11.17 ATTACHMENT TO DOGS OR CATS COLLAR OR HARNESS

- Item 1. Every owner, possessor or keeper of a dog or cat within the Town shall place upon such dog or cat a collar or harness made of durable material to which the dog or cat tag provided for in this section shall be attached.

Section 11.18 TO BE WORN ONLY BY LICENSED DOGS OR CATS

- Item 1. No person shall affix to the collar or harness of any dog or cat or permit to remain so affixed a tag evidencing licensing and rabies inoculation except the tag issued to that dog or cat at the time of issuance of its license.

Section 11.19 IMPOUNDMENT

- Item 1. It is lawful for the animal control officer and all police officers to impound any dog or cat which is not wearing a dog or cat tag and any dog or cat which they reasonably feel to be in violation of any of the provisions of this section, whether such dog or cat is wearing a dog or cat tag or not. It is lawful for the animal control officer or any police officer to go upon private property for the purpose of catching any dog or cat to be impounded.

Section 11.20 ESTABLISHMENT OF POUND

- Item 1. The Governing Body may establish a dog pound for the municipality to be operated by the Town personnel, or at their election, may, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town.

Section 11.21 FILING OF COMPLAINT IN MUNICIPAL COURT

- Item 1. If a dog or cat is impounded, the animal control

officer or any police officer shall immediately institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog or cat if known, charging the owner, possessor or keeper with a violation of the appropriate section. Nothing herein shall be construed as preventing the animal control officer, any police officer or any citizen from instituting a proceeding in the Municipal Court in the Town for violation of this section where there is no impoundment.

Section 11.22 NOTICE TO OWNER OR KEEPER OF DOG OR CAT

- Item 1. As soon as practicable after the date of impoundment, the animal control officer shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog or cat if the address is known of such person; if the owner, possessor or keeper of the dog or cat is not known or if his address cannot be determined, the animal control officer shall cause to be posted in a conspicuous place in the Town for five days a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog or cat, set forth the date of impoundment and describe the location where the dog or cat was taken.

Section 11.23 RELEASE OF IMPOUNDED DOGS AND CATS, DESTRUCTION OF DOG AND CATS

- Item 1. If a complaint has been filed in the Municipal Court of the Town of Tatum against the owner, possessor or keeper of any impounded dog or cat for a violation of this section, the dog or cat shall not be released from impoundment except on order from the Municipal Judge. In addition to any penalties which may be provided for in this Code for a violation, the Municipal Judge shall require each owner, possessor or keeper to pay the fees herein provided for in section 11.15 and may, upon finding that such dog or cat constitutes a nuisance or that such dog or cat is a vicious dog or cat or that such dog or cat constitutes a clear and present danger to the citizens of the community, order that the dog or cat be destroyed in a humane manner by the animal control officer or by persons authorized to do so by the Governing Body.

Section 11.24 DISPOSAL OF DOG OR CAT OF UNKNOWN OWNER OR KEEPER

- Item 1. If a complaint has not been filed in Municipal

Court because the owner, possessor or keeper of an impounded dog or cat is not known or cannot be located and such dog or cat has not been claimed within five (5) days from the date of impoundment, not counting the first day, the dog or cat may be disposed of in any humane manner prescribed by the animal control officer or by persons so authorized to do so by the Governing Body.

Section 11.25 REDEMPTION FEES

Item 1. Any owner, possessor or keeper of a dog or cat desiring to redeem such dog or cat from the pound shall pay the Town the sum of twenty-five dollars (\$25) as an impoundment fee together with the sum of one dollar fifty cents (\$1.50) for each day of impoundment for room and board and any and all license or rabies inoculation fees.

Section 11.26 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR POLICE OFFICER PERFORMING HIS DUTIES

Item 1. It is unlawful for any person to interfere with, molest, hinder or obstruct the animal control officer in the discharge of their official duties.

Section 11.27 INSTIGATING OR ENCOURGING DOG OR CAT FIGHTS PROHIBITED

Item 1. No person shall cause, instigate or encourage any dog or cat fight within the Town.

Section 11.28 RABIES DANGERS, DESTROYING OF ANIMALS

Item 1. Whenever the Mayor shall be of the opinion, with advise from State Health officials, that any danger exists from hydrophobia he will issue a proclamation that all dogs and cats and any wild animals likely to contract rabies, be destroyed on sight if found running at large within the Town.

Section 11.29 FEMALE DOGS AND CATS IN HEAT

Item 1. Any unspayed female dog or cat, while in heat, shall be securely confined during such period in a secure place to prevent the gaining of access by other dogs.

Section 11.30 RUNNING AT LARGE PROHIBITED

Item 1. It is unlawful for any owner, possessor or keeper of any dog or cat in the Town to permit the same to run at large.

Section 11.31 VICIOUS DOGS AND CATS

- Item 1. No person shall own, keep, possess or harbor a vicious dog or cat within the Town. As used in this section, a vicious dog or cat is a dog or cat that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public ground or place. The animal control officer and all police officers shall take and impound any dog or cat which is a vicious dog or cat. In the event a vicious dog or cat cannot be taken up and caught by the animal control officer or any police officer without such animal control officer or police officer exposing himself to danger of personal injury from such dog or cat, the animal control officer or any police officer may forthwith destroy such dog or cat without notice to the owner, possessor or keeper thereof.

Section 11.31 CONFINEMENT OF BITING DOGS OR CATS

- Item 1. The owner, possessor or keeper of any dog or cat which has bitten or which is suspected of have bitten any person or which is suspected of having rabies shall immediately notify the animal control officer or any police officer of such fact.
- Item 2. Any dog or cat which has bitten or which is suspected to have bitten any person or which is believed to have rabies or to have been exposed to rabies shall be confined, upon order of the animal control officer or any police officer, for a period of ten (10) days for observation. Such dog or cat shall either be confined at the residence of the owner, possessor or keeper thereof, if such confinement can be accomplished without exposing such dog or cat to the public, or, at the option of the animal control officer or any police officer, such dog or cat shall be confined by the Town pound or at a private veterinary hospital at the expense of the owner, possessor or keeper of the dog or cat. It is unlawful for any owner, possessor or keeper of such dog or cat to permit such dog or cat during confinement to come into contact with the public.

Section 11.33 NOTICE OF KNOWLEDGE OF VIOLATION OF SECTION NOT NECESSARY FOR PROSECUTION OF OWNER OR KEEPER.

- Item 1. For the purpose of prosecution for violations of this code, it shall not be necessary in order to

obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the dog or cat in question that such dog or cat was violating any of the provisions of this code at the time and place charged, it being the purpose and intent of this code to impose strict liability upon the owner, possessor or keeper of any dog or cat for the actions, conduct and condition of such dog or cat.

CHAPTER 12

LICENSES GENERALLY AND OCCUPATIONAL TAXES

Section 12.1 IMPOSITION OF BUSINESS REGISTRATION FEE
Section 12.2 EXEMPTION
Section 12.3 APPLICATION TO DO BUSINESS
Section 12.4 RENEWAL
Section 12.5 APPLICATION
Section 12.6 PROSECUTION
Section 12.7 VIOLATIONS

Section 12.1 IMPOSITION OF BUSINESS REGISTRATION FEE

Item 1. There is imposed on each place of business conducted in this municipality a business registration fee of five (5) dollars. The fee imposed pursuant to Section 3-38-3, N.M.S.A 1978 as it now exists or is amended and shall be known as the "Business Registration Fee." The business registration fee may not be prorated for businesses conducted for a portion of the year.

Section 12.2 EXEMPTION

Item 1. No business registration fee shall be imposed on any business which is licensed pursuant to Section 3-38-1, N.M.S.A. 1978.

Section 12.3 APPLICATION TO DO BUSINESS

Item 1. Any person proposing to engage in business within the municipal limits of the Town of Tatum after July 1, 1981 shall apply for and pay a business registration fee for each outlet, branch or location within the municipality prior to engaging in business.

Section 12.4 RENEWAL

Item 1. Prior to March 16 of each year, any person with a place of business in the Town and subject to this ordinance shall apply for renewal of business

