

ORDINANCE NO.: 2628  
INTRODUCED BY: Thorne

AN ORDINANCE CONCERNING SECTION 6-21 AND SECTION 18-126 OF THE THORNTON CITY CODE REGARDING PRAIRIE DOGS.

WHEREAS, Section 6-21 of the Thornton City Code ("Code") regulates the number and type animals that are prohibited in the City of Thornton ("City"); and

WHEREAS, prairie dogs are restricted in residential zones as rodents but the Code provision does not address relocation of prairie dog colonies in connection with development of real property located within the City; and

WHEREAS, the City advocates the humane treatment of prairie dogs during construction of new development through relocation efforts in compliance with the State Division of Wildlife; and

WHEREAS, the City's Parks and Open Space tax will generate funds that can be used to purchase open space which will be preserved in its natural habitat and may include prairie dog colonies; and

WHEREAS, it is desirable for the public health and safety to establish a prairie dog relocation and management plan for vacant land that houses prairie dog colonies and is in the process of development when such relocation is possible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. A new subsection 6-21(d) of the Code is hereby enacted to read as follows:

Sec. 6-21. Animals prohibited in City.

(d) *Prairie Dog.*

- (1) Prairie dogs are rodents and therefore may be regulated in accordance with this Section 6-21 when found in any zone district located within the City. Any relocation of prairie dogs within the City must be to a location approved for prairie dog relocation.
- (2) Any development project in any zone district located within the City shall comply with the following provisions:

- a. Any person wishing to develop any vacant land in the City where evidence of prairie dog colonies exists must include in any development project a plan for the relocation of prairie dogs in connection with the development.
- b. Developers are required to provide the City documented evidence of efforts made to relocate prairie dogs. Relocation can only be to designated relocation sites within the City or to relocation sites located outside the City limits in accordance with the Division of Wildlife permitting process. Developers may contact the Community Development Department to obtain referral and contact information on the relocation process and, if necessary, disposal information.
- c. The Developer, upon presenting documentation of good faith attempts to relocate prairie dog colonies, may dispose of the prairie dog colony through only those extermination techniques and procedures that are authorized by the Department of Agriculture and that are not in violation of state or federal laws.
- d. No Development Permit shall be approved until documentation is submitted identifying the good faith efforts undertaken by the Developer to comply with the prairie dog regulations contained herein.

2. A new Subsection 18-126 (C)(2)(d) of the Code is hereby enacted to read as follows:

d. Evidence of good faith attempts to relocate any prairie dog colonies found to be existing on the real property to be developed in accordance with Section 6-21 of the Code.

3. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

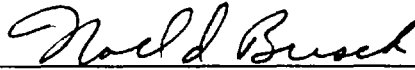
5. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

6. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, this 14th day of August, 2000.

PASSED AND ADOPTED on second and final reading this 28th day of August, 2000.

CITY OF THORNTON, COLORADO

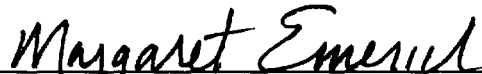
  
Noel I. Busck, Mayor

ATTEST:

  
Nancy A. Vincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

  
Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on August 17, 2000, and after second and final reading on August 31, 2000.