

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-183

**AN ORDINANCE AMENDING SECTIONS 7-121 AND 7-138 OF
THE JOHNSTOWN MUNICIPAL CODE CONCERNING
RODENT PESTS**

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, on August 3, 2020, the Town’s Public Works Director advised Town Council that rodent pests, including specifically prairie dogs, are entering the Town’s public spaces and causing, or may be causing, damage; and

WHEREAS, based on the request of the Town’s Public Works Director, Town Council desires to amend Sections 7-121 and 7-138 of the Johnstown Municipal Code to regulate rodent pests and require that property owners prevent rodent pests from relocating to, infesting or otherwise damaging the real property of another; and

WHEREAS, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Section 7-121 of the Johnstown Municipal Code shall be amended to add a definition of “*rodent pest*” in alphabetical order at subpart (23) and to renumber the subsequent subparts. Section 7-121(23) shall hereinafter read as follows:

Sec. 7-121. Definitions.

As used in this Article, the following words have the following meanings:

...

(23) *Rodent pest* means any prairie dog, ground squirrel, pocket gopher, jackrabbit or other rodent not commonly kept within the home.

....

Section 2. Section 7-138 of the Johnstown Municipal Code shall be amended to read in full as follows:

Sec. 7-138. Certain animals prohibited.

(a) It shall be unlawful for any person to keep, harbor, care for or possess the following animals within the Town:

- (1) Any animal having poisonous bites;
- (2) Any farm animal, as defined in this Article, on properties with less than five thousand (5,000) square feet of open area designated to be used by the animals. Furthermore, an additional two thousand five hundred (2,500) square feet of open area is required for each animal in excess of three (3). This open area must be located at least fifty (50) feet from any residence, business or other building intended for human habitation; and
- (3) Any wild or exotic animal, as defined in this Article.

(b) It shall be unlawful for any person or entity who is an owner, lessee, agent or occupant in possession or control of any lot, tract of land or any part thereof in close proximity or adjacent to any developed property in the Town to fail to prevent rodent pests residing upon such lot or tract of land from relocating to, infesting or otherwise damaging the real property of another, including any public land, sidewalk, street or alley. The failure to prevent rodent pests from relocating to, infesting or otherwise damaging the real property of another shall constitute a nuisance and, in addition to other remedies, be subject to abatement as provided in this Chapter.

Section 3. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 4. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 5. Publication; Effective Date; Recording. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor