

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 06 – SERIES 2024**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 7, ARTICLE 2 OF
THE MINTURN MUNICIPAL CODE TO PROHIBIT
NUISANCES WHICH HARM WILDLIFE.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, Chapter 7 of the Town’s Municipal Code governs the administration and abatement of nuisances generally; and

WHEREAS, the Town has seen an increase in nuisances that harm or kill wildlife; and

WHEREAS, wildlife injuries and fatalities present a variety of risks to the health, safety and welfare of the Town’s visitors and residents; and

WHEREAS, Minturn Municipal Code Sec. 7-2-10 defines nuisance in part as any substance, act occupation, condition, or use of property that substantially annoys, injures, or damages the comfort, health, repose or safety of the public; and

WHEREAS, Colorado Parks and Wildlife recommends fencing that allows wildlife to jump over or crawl under the fence without risk of injury and that provides wildlife access to important habitats and travel corridors, like their accustomed fawning/calving ground; and

WHEREAS, Colorado Parks and Wildlife discourages fencing that includes spikes or other sharpened points which could injure or impale wildlife; and

WHEREAS, Minturn Municipal Code Sec. 10-8-280 makes it unlawful for any person to construct or maintain any fence, cellar, or window guard containing barbs, barbed wire, sharpened nails, or any other pointed or sharpened thing or metallic substance; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to prohibit nuisances against the public and wildlife and that the following amendments to the Minturn Municipal Code are necessary for the preservation of the health, safety, and welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Section 7-2-10 of the Minturn Municipal Code is hereby amended as set forth below, with new text double underlined and deleted text in ~~striketrough~~. The Town's codifier is authorized to renumber and format the code in conformance with these amendments.

ARTICLE 2 – Administration and Abatement of Nuisances

...

Sec. 7-2-10. - Definitions.

...

Nuisance means any substance, act, occupation, condition or use of property declared a nuisance by the Town's Municipal Code this Article, declared a nuisance by the State, or any agency thereof, or by any court of competent jurisdiction ~~or agency thereof~~, known as a nuisance at common law, or of such nature and duration as to:

- a. Substantially annoy, injure or damage the comfort, health, welfare, morals, repose or safety of the public or wildlife;
- b. In any way render the public or wildlife insecure in life or in the use of property; ~~or~~
- c. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way; ~~or~~
- d. Create a hazard to health or safety of the public or wildlife, including but not limited to a demonstrable risk of injury to or fatalities of wildlife.

SECTION 3. The amendment of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provisions of the Municipal Code as it existed prior to the effective date of these amendments.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17TH DAY OF APRIL 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 1ST DAY OF MAY 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1ST DAY OF MAY 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk