

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 07 – SERIES 2024**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 10, ARTICLE 8 OF
THE MINTURN MUNICIPAL CODE TO REVISE THE
SECTION PROHIBITING CERTAIN FENCING IN THE
TOWN.**

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 10, Article 8 of the Minturn Municipal Code governs the prohibition of dangerous fencing, among other things; 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;

WHEREAS, the Town has experienced wildlife deaths caused by sharpened materials affixed to the top of fencing; 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. 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 clarify the extent of Minturn Municipal Code Sec. 10-8-280 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 10-8-280 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 8 – Public Peace, Order and Safety

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Sec. 10-8-280. – Hazardous Fencing and Improvements.

The construction or maintenance of fencing or other improvements to property that create a demonstrable risk of injury to or fatalities of wildlife and/or a hazard to health or safety of the public are hereby declared to be nuisances. It shall be unlawful for any person to construct or maintain within the Town, or to allow to remain on property within the Town, any fence, cellar, or window guard containing barbs, barbed wire, sharpened nails or any other pointed or sharpened thing or metallic substance.

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