

ORDINANCE NO. 1-2014

PROHIBITION ON INTRODUCING NON-NATIVE ANIMAL SPECIES INTO MONTEZUMA COUNTY THAT ARE LISTED OR PROPOSED FOR LISTING AS THREATENED OR ENDANGERED, AND PROHIBITION ON ESTABLISHING HABITATS, PROTECTED AREAS, OR OTHER SIMILAR DESIGNATIONS, WITHOUT CONSENT ON PRIVATE LANDS IN MONTEZUMA COUNTY

WHEREAS, U.S. CONST. art. 1, Section 8, identifies the powers of the Congress; and, U.S. CONST. amend. X, reserves to the States powers not delegated to the United States by the Constitution; and

WHEREAS, COLO. CONST. art. II, § 3, recognizes that all people have inalienable rights to enjoy or defend their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness; and

WHEREAS, these rights are incorporated into the Due Process clauses of the United States and Colorado Constitutions;

WHEREAS, Colorado Revised Statutes §30-11-101(2) authorizes Counties to exercise powers regarding health, safety, and welfare issues; and

WHEREAS, the health, safety, welfare, and economic viability of Montezuma County residents and property owners, along with their rights to acquire, possess, and protect said property, require protection from establishing habitat, protected areas, or other similar designations, on their private land; and

WHEREAS, introducing non-native animal species that are listed or proposed for listing as threatened or endangered, to either terrestrial or aquatic habitats has profound and adverse impacts on ecosystems and wildlife; and

WHEREAS, threats posed by introduction these animal species are considerable and require research, study, and precautionary measures to determine the unknown

deleterious effects on human and natural environment, as well as the health of the interconnected ecosystem; and

WHEREAS, introducing these animal species imposes an undue burden on Montezuma County citizens and resources to monitor and mitigate damage to the environment and ecosystems; and

WHEREAS, propagating habitat, protected areas, or other similar designations, adversely affects the health, safety, welfare, and property rights of the citizens of Montezuma County, and

WHEREAS, federal and State law require federal and State agencies to coordinate and be consistent with local government; and

NOW THEREFORE BE IT ORDAINED by the Montezuma County Board of Commissioners, under C.R.S. §30-1-101(2), that:

1. No person, federal or State agency, corporation, or entity shall knowingly or recklessly introduce, move, place, or transport any non-native animal species that are listed or proposed for listing as threatened or endangered, into the exterior boundaries of Montezuma County, unless it is onto private property and containment within that private property is assured; and
2. No person, federal or State agency, corporation, or entity shall knowingly or recklessly allow these animal species to migrate onto private land in Montezuma County; and
3. No person, federal or State agency, corporation, or entity shall knowingly or recklessly designate habitat, protected areas, or other similar designations, on private lands without express written approval from both Montezuma County, and the private landowner.

4. Any violation of this Ordinance is a class 2 misdemeanor and punishable as provided in C.R.S. §18-1.3-501, which includes a maximum of twelve months imprisonment and/or one thousand dollar fine.
5. This Ordinance is necessary for the immediate preservation of public health, safety, and welfare and is effective immediately upon adoption.

Adopted this 28th, day of April, 2014.

BOARD OF COUNTY COMMISSIONERS,
MONTEZUMA COUNTY, COLORADO

Carol Jullis
County Clerk and Recorder



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