

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2022-08

**AN ORDINANCE AMENDING THE BLUE RIVER MUNICIPAL CODE
BY THE ADOPTION OF A NEW SECTION 10-8-50 TITLED
PROHIBITED HUNTING, TRAPPING, AND POISONING OF ANIMALS**

WHEREAS, the Town of Blue River, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town possesses the authority to regulate the hunting, trapping, and poisoning of animals within the Town boundaries for the protection of the public health, safety, and welfare; and

WHEREAS, due to the relative proximity of residences, accessory buildings, and private and public areas occupied or visited by the public, the hunting, trapping, and poisoning of animals presents risk of death, bodily injury, and property damage to citizens of the Town; and

WHEREAS, the Board of Trustees finds that the hunting, trapping, and poisoning of animals within the Town’s limits is incompatible with the residential character of the Town and diminishes the quiet enjoyment of property.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. **Section Renumbered.** Current Section 10-8-50 of the Town of Blue River Municipal Code, titled *Selling weapons to intoxicated persons*, is renumbered as Section 10-8-60.

Section 2. **Adoption of New Section 10-8-50.** Section 10-8-50 of the Town of Blue River Municipal Code, titled *Prohibited Hunting, Trapping, and Poisoning of Wildlife*, is hereby adopted and added to read in full as follows:

Sec. 10-8-50 Prohibited Hunting, Trapping, and Poisoning of Animals.

- (a) It is unlawful to feed, hunt, pursue, trap, molest, harass, catch, harm, or kill any wildlife within the Town limits, whether the wildlife is located upon public or private property.
- (b) It is unlawful to set, or cause to be set within the Town, any trap, snare, or mechanical device for the purpose of holding, capturing, or killing an animal or animals.
- (c) It is unlawful for any person to place, maintain, or permit the use of poisonous baits upon any property, public or private, within the Town. For the purposes of this Section, poisonous baits are defined as substances attractive to animals as food, to which lethal poisons are added for the purpose of killing those animals which ingest them.

- (d) The prohibitions of this section do not apply to:
- (1) Any person fishing with a valid license in compliance with federal, state, and local laws.
 - (2) Any person who sets traps with the intent to trap rodents by means of a trap, snare, poisonous bait, or mechanical device specifically designed to trap such animals and who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
 - (3) Any public officer or official of a police, fire, or animal control agency, the State of Colorado, or the United States, when such person is acting within the scope of his or her official duties.
- (e) Any animal causing damage, injury, or destruction to private property may be trapped or restrained by the owner or occupant of such property, by the agent of such owner or occupant, or by an authorized public officer, by means of a snare or mechanical device designed not to injure or harm the animal, which are known variously by the names, among others, of “cage trap,” “cage-door trap,” or “live trap.”

Section 3. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make or cause to be made minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 6. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AMENDED, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2022.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Published in the Summit County Journal _____, 2022.