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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF PARK  
STATE OF COLORADO

Ordinance No. 03-01

AN ORDINANCE OF PARK COUNTY, COLORADO PROHIBITING THE  
UNLAWFUL GRAZING OF LIVESTOCK.

WHEREAS, the Local Government Enabling Act of 1974 (C.R.S. 29-20-101) authorizes counties to regulate the use of land to provide orderly use and to protect the environment; and

WHEREAS, the Park County Board of County Commissioners finds that most County ranchers continue to graze their livestock responsibly and are good stewards of the land. The unlawful grazing of livestock (as defined below) can result in the disorderly use of the land and significant harm to the environment; and

WHEREAS, the Park County Board of County Commissioners finds that there is a need to enact an ordinance prohibiting unlawful grazing in order to protect private property owners and protect the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, STATE OF COLORADO, THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ADOPTED:

1. Title

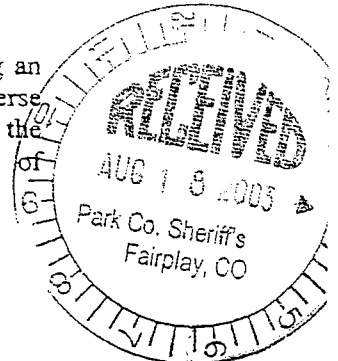
This ordinance shall be known as the "Park County Ordinance To Address the Unlawful Grazing of Livestock".

2. Authority

The Local Government Land Use Control Enabling Act of 1974 (C.R.S. 29-20-101 et seq.) gives Park County "the authority to plan for and regulate the use of land by: . . .(g) Regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and (h) Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights." (C.R.S. 29-20-104)

3. Purpose

The purpose of this ordinance is to protect land located in the County by providing an avenue for mitigating the unlawful grazing of livestock in Park County and its adverse consequences on the environment. It does not relieve the responsibility of the landowners bordering or surrounded by property that is being lawfully grazed of maintaining a lawful fence.



4. **Definitions**

- A. "UNLAWFUL GRAZING": Any person(s) who knowingly allows livestock to graze upon property in which such person(s) has no lawful right to pasture or forage livestock; and/or over-stocks property in which such person has a lawful right to pasture or forage livestock causing the livestock to leave such property in order to obtain the proper amount of pasture, forage, or water; and/or allowing livestock to unlawfully remain on incorporated or unincorporated roads, streets or public highways.
- B. "LIVESTOCK": Includes horses, cattle, mules, asses, goats, sheep, swine and cattalo, but does not include buffalo or "alternative livestock" as defined in section 35-41.5-102 (1),C.R.S."
- C. "LAWFUL FENCE": A well-constructed three barbed wire fence with substantial posts set at a distance of approximately twenty feet apart, and sufficient to turn ordinary horses and cattle, with all gates equally as good as the fence, or any other fence of like efficiency.
- D. "OWNER": Any person(s), corporation, organization, or otherwise, either having actual ownership, implied ownership or control for the care taking and welfare of livestock.
- E. "ACTUAL NOTICE": Actual recorded notice received from a law enforcement agency either by telephone or in person and followed up with a written notice. For the purpose of calculating 'reasonable time,' the date and time of said telephonic or personal communication shall control.
- F. "REASONABLE TIME":
  - 1) In regards to livestock at large on an open highway not normally grazed, a reasonable time shall be, once the livestock owner has received actual notice, time to prepare and lawfully drive from the local headquarters of the livestock owner to the location of the livestock.
  - 2) In regards to the unlawful grazing of livestock, a reasonable time shall be 48 hours, from the time of actual notice, to remove the livestock unless the landowner and livestock owners have mutually agreed upon a longer time period.
- G. "OPEN RANGE": An area in which livestock is lawfully pastured on both sides of a road or highway. In such cases, adequate warning to motorists is given by proper signage warning of livestock being on the road or highway.

5. **Unlawful Grazing of Livestock Constitutes A Misdemeanor**

- A. It is unlawful for any person(s) who, after a reasonable time has passed after receiving actual notice, knowingly allows the unlawful grazing of livestock; and

B. Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a \$100.00 fine and/or 10 days in jail. For each day the violation continues, an additional count shall be added up to \$1,000.00 fine and/or 6 months in jail.

6. **Enforcement**

- A. The Park County Sheriff's Office and the Park County Animal Control shall enforce the provisions of this ordinance.
- B. Any peace officer in hot pursuit of any animal(s) in apparent violation of this ordinance may enter into municipal corporate limits or upon private property for the purpose of enforcing this ordinance, including impoundment of such animal(s), ascertaining the ownership of such animal(s), or issuing a citation to the owner(s) of such animal(s).
- C. Nothing in this section grants any peace officer any additional authority to enter without a warrant into any dwelling or other building beyond that authority which may now exist under Colorado law.

7. **Disposition of Fines and Forfeitures**

All fines and forfeitures collected pursuant to this ordinance shall be paid over to the county treasurer.

8. **Captions**

The captions and paragraph headings used throughout this ordinance are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision of this ordinance.

9. **Severability**

If any provision of this ordinance or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this ordinance, or the application of such provision to parties and circumstances other than those to which it is invalid or unenforceable, shall not be effected thereby, and each provision of this ordinance shall be valid and enforced to the fullest extent permitted by law.

10. **Effective Date**

The provisions of this ordinance shall become effective at 12:01am on the 25<sup>th</sup> day of August, 2003.

11. **Repeal**



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Upon the effective date of this ordinance, any or all ordinances or resolutions pertaining to the grazing of livestock shall be repealed and replaced with this ordinance. Such repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance.

ADOPTED in open session by the Board of County Commissioners of the County of Park, State of Colorado, at its regular meeting held the 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS  
PARK COUNTY, COLORADO

By Leni Walker  
Leni Walker, Chairperson



I certify that this ordinance was introduced and read at the June 25, 2003 public hearing of the Board of County Commissioners and published in *The Flume* on July 4, 2003.

Debra A. Green  
County Clerk and Recorder