

- 1 7.06.030. – Prohibitions.
- 2 A. No person shall kill a prairie dog, or use lethal means with the intent to kill
- 3 a prairie dog, except as allowed by this chapter.
- 4 B. No person shall *trap or* remove a prairie dog from the ground except as
- 5 allowed by this chapter.
- 6 C. No person shall damage or fill a prairie dog burrow except as allowed by
- 7 this chapter.
- 8 D. No person shall transport a prairie dog *from within the city* onto public or
- 9 private property ~~within the city~~ except under an approved relocation plan as
- 10 described in section 7.06.050(B).

11 Section 4

12 The Council amends Section 7.06.040 of the Longmont Municipal Code, by adding

13 italicized material and deleting stricken material, to read as follows:

14 7.06.040. – Exemptions.

15 Public law enforcement personnel, including animal control officers, are exempt

16 from the provisions of this chapter for the purposes of carrying out their official

17 duties assisting the community with prairie dogs outside the burrow and colony

18 setting. The following are exempt from the need to obtain a major *or minor*

19 prairie dog management permit, ~~but shall be eligible for a minor prairie dog~~

20 ~~management permit~~, as those terms are described in section 7.06.050, regardless

21 of the number of prairie dogs to be destroyed:

22 . . .

1 Section 5

2 The Council amends Section 7.06.050 of the Longmont Municipal Code, by adding
3 italicized material and deleting stricken material, to read as follows:

4 7.06.050. – Prairie Dog Management Permits.

5 A person may use lethal means to kill prairie dogs, destroy their burrows, remove
6 them from the ground, *trap them* or relocate them, if permitted to do so under this
7 section.

8 A. Minor prairie dog management permits.

9 1. A person seeking to destroy ~~fewer than 25~~ prairie dogs *on property that is*
10 *less than 1.5 acres in size, or that has active prairie dog habitat less than 1.5*
11 *acres in size, or that has existing urban level development*, shall be eligible ~~for an~~
12 ~~expedited process~~ to receive a *minor* prairie dog management permit. ~~The~~
13 ~~applicant shall have the burden of proof that the number of prairie dogs within the~~
14 ~~area where prairie dogs are proposed to be destroyed falls below this limit.~~ The
15 applicant must agree that the city *or its consultants* may inspect the property to
16 determine the *location and size of the active prairie dog habitat. number of prairie*
17 ~~dogs thereon. An area shall be presumed to carry fewer than 25 prairie dogs if the~~
18 ~~active prairie dog habitat area is less than one acre, but the results of an inspection~~
19 ~~may overcome this presumption.~~

20 2. An applicant eligible for this ~~expidited~~ process shall be entitled to a prairie
21 dog management permit issued by the director, subject to all applicable fees, and
22 any conditions the director determines necessary to protect human health, safety,

1 and welfare, wildlife, and the natural environment, such as those described in
2 subsection B(6), below.

3 3. As an alternative to destroying the prairie dogs under the permit, the
4 applicant may donate them to a facility which uses them to rehabilitate *the black-*
5 *footed ferret-wildlife*, or may relocate the prairie dogs in the same manner as
6 described in subsection B.

7 4. Restriction on serial use of minor prairie dog management permits. Minor
8 prairie dog management permits are not intended to be used in batch or in series
9 to control ~~more than 25~~ prairie dogs within a single or connected population,
10 regardless of whether the population exists within a single property or crosses
11 property lines.

12 5. No person may use, or collaborate with others to use, a batch or series of
13 minor prairie dog management permits to avoid the requirements of a major
14 prairie management permit.

15 B. Major prairie dog management permits.

16 1. Attempt to relocate. A person seeking to destroy *prairie dogs on property*
17 *that has an active prairie dog habitat greater than 1.5 acres, or that does not*
18 *have existing urban level development* ~~25 or more prairie dogs~~ must first attempt
19 in good faith to relocate the prairie dogs, as described below.

20 2. Notice. The applicant shall notify the public, in the form and manner
21 prescribed by the director, and with the information the director determines
22 necessary, that prairie dogs will become available for relocation. If the property
23 for which a permit is sought is the subject of a development application, the

1 notice shall be given at the time the application is made *or as soon as the city*
2 *determines that the property has active prairie dog habitat greater than 1.5 acres.*

3 3. Acceptance by receiving site. Any landowner may agree to accept the
4 prairie dogs by notifying the applicant and the city, in the form and manner
5 prescribed by the director. Acceptance must include the relocation plan, all
6 information the director determines necessary, and all other necessary approvals.

7 Deadlines for acceptance shall be as follows:

8 a. If the property for which a permit is sought is the subject of a development
9 application, acceptance must be made ~~at least 30 days~~ before any *Stormwater*
10 *Construction Activity Permit (SCAP) is grading-on-issued for* the property.

11 b. If the property for which a permit is sought is not the subject of a
12 development application, acceptance must be made within 90 days of the notice.

13 4. Relocation responsibility. Should any landowner timely agree to accept
14 the prairie dogs, as determined by the director, the applicant shall relocate the
15 prairie dogs to the receiving site at its own expense. The applicant shall notify the
16 director whether the applicant intends to complete the relocation itself, or whether
17 it intends to allow the receiving site to manage the relocation and reimburse the
18 receiving site for its costs.

19 a. An applicant undertaking responsibility to relocate the prairie dogs shall
20 submit a relocation plan to the city, including all information the director
21 determines necessary, and including any other approvals and permits necessary to
22 facilitate the relocation.

1 b. If an applicant instead chooses to allow the receiving site to manage the
2 relocation, the receiving site shall have 90 days after such choice is made to
3 relocate the prairie dogs. The receiving site shall provide an *itemized* estimate of
4 all reasonable costs of relocation *to the applicant and the City*. In this
5 circumstance, the applicant would agree with the receiving site to pay such costs.
6 Only reasonable relocation costs shall qualify for reimbursement. Any further
7 non-nominal charges to accept prairie dogs are ipso facto unreasonable.

8 . . .

9 D. Birthing period restriction. No relocation ~~or extermination~~ of prairie dogs
10 shall occur between April 1 and June 1.

11 Section 6

12 The Council amends Section 7.06.070 of the Longmont Municipal Code, by adding
13 italicized material and deleting stricken material, to read as follows:

14 7.06.070. - Notice.
15 Notice by landowner of prairie dog management. No landowner shall allow the
16 extermination of prairie dogs without posting notice on the property, in a form
17 approved by the director, for at least 14 days prior to such management. *If the*
18 *property owner uses only humane methods to exterminate prairie dogs, as*
19 *approved by the director and natural resources manager, no notice is required.*

20 Section 7

21 The Council amends Section 7.06.080 of the Longmont Municipal Code, by adding
22 italicized material and deleting stricken material, to read as follows:

23 7.06.080. – Fees.

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B. Habitat restoration fee. At time of issuance of *a permit for extermination*, an applicant for a major prairie dog management permit shall be invoiced for a fee of \$1,200.00 per acre of active prairie dog habitat lost, prorated for any partial acres of lost habitat. The revenues from this fee shall be used for acquiring additional public land to serve as prairie dog habitat, conducting relocation of prairie dogs to suitable habitat, creating new habitat or improving existing habitat for prairie dogs, monitoring the success of these activities, protection of existing prairie dog colonies, educating the public regarding prairie dogs, or funding prairie dog-related research, and may be used to offset the administrative costs of the foregoing. All revenues accruing to the city under this paragraph shall be placed in the prairie dog habitat restoration fund established in chapter 4.71. There is no habitat restoration fee for a minor prairie dog management permit.

C. The director shall waive the habitat restoration fee, ~~or any portion of such fee,~~ in situations where a landowner establishes to the satisfaction of the director and the natural resources manager that the landowner would be entitled to destroy prairie dogs inhumanely but instead has used only humane methods to destroy the prairie dogs targeted under ~~the~~ *an extermination* permit. *This waiver includes those landowners who have used a combination of relocation and humane methods in lieu of inhumane methods.* ~~The director shall also waive the habitat restoration fee, or any such portion of such fee, where a landowner successfully relocates the population to a different portion of the same property or to an approved relocation site as outlined in the applicable relocation plan.~~

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Section 8

To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this 27th day of August, 2019.

Passed and adopted this 10th day of September, 2019.



MAYOR



ATTEST:



CITY CLERK

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M. ON THE 10TH DAY OF SEPTEMBER, 2019, IN THE LONGMONT COUNCIL CHAMBERS.

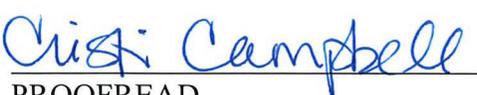
APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

8/29/19

DATE



PROOFREAD

8/28/19

DATE

1 APPROVED AS TO FORM AND SUBSTANCE:

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ORIGINATING DEPARTMENT

9-9-19

DATE

CA File: 18-000038