

MONTROSE COUNTY ORDINANCE NO. 2025-01

AN ORDINANCE PROHIBITING THE INTRODUCTION, SUPPORT, FACILITATION, OR HABITAT ESTABLISHMENT OF NON-NATIVE ANIMAL SPECIES, INCLUDING MIGRATORY ARRIVALS, INTO MONTROSE COUNTY, COLORADO

WHEREAS, the U.S. Constitution, Article I, Section 8, identifies the powers of Congress and reserves all other powers to the states or the people under the Tenth Amendment; and

WHEREAS, Article II, Section 3 of the Colorado Constitution affirms that all persons have inalienable rights, including the right to protect life, liberty, property, and to seek and obtain safety and happiness; and

WHEREAS, the Colorado Revised Statutes §§ 30-11-101(2) and 30-11-107(1)(a) authorize county governments to adopt ordinances necessary to provide for the health, safety, and welfare of their inhabitants; and

WHEREAS, C.R.S. § 29-20-101 et seq. (Local Government Land Use Control Enabling Act) further empowers counties to regulate land use and activities which could negatively impact health, welfare, the economy, or the environment; and

WHEREAS, the introduction or facilitation of non-native animal species, particularly those listed or proposed to be listed as threatened or endangered under the federal Endangered Species Act, may cause direct and indirect harm to private property, public land access, water rights, wildlife populations, livestock operations, biodiversity, and public safety; and

WHEREAS, Proposition 114, as adopted by Colorado voters, requires reintroduction of gray wolves on the western slope but does not mandate their presence in all counties nor prohibit counties from adopting protective measures consistent with state and federal law; and

WHEREAS, the County has a compelling governmental interest to prohibit any entity, whether federal, state, local, tribal, or non-governmental organization, from releasing, transporting, fostering, supporting, or enabling the migration of such species into Montrose County; and

WHEREAS, permitting such introduction would constitute a regulatory taking or constructive condemnation of private and agricultural property, for which Montrose County is not liable, and for which the responsible party may be held financially and legally accountable; and

WHEREAS, this ordinance reflects the proactive duty of the Board of County Commissioners to defend its citizens, landowners, producers, and lawful wildlife

management practices from external threats posed by radical environmental policy, federal overreach, and coerced rewilding efforts.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Montrose County, Colorado:

Section 1. Title

This ordinance shall be known as the “Montrose County Ordinance Prohibiting the Introduction, Migration, Support, or Habitat Designation of Non-Native Animal Species.”

Section 2. Definitions

For purposes of this ordinance:

“Non-native animal species” shall include any animal not historically present in Montrose County in the 100 years prior to the effective date of this ordinance, including but not limited to the Canadian Gray Wolf (*Canis lupus*).

“Migration” includes natural or assisted movement of non-native animals across county lines, whether by foot, flight, vehicle, or intentional redirection by third parties.

“Introduction” means any release, transportation, fostering, support, feeding, harboring, or facilitation of the presence of a non-native species.

“Habitat designation” means any effort to create, declare, or preserve land within the county for the purpose of accommodating, breeding, protecting, or restoring a non-native species.

“Responsible party” includes any individual, organization, governmental agency, commission, or tribal or non-governmental entity.

Section 3. Prohibition

No individual or entity shall:

1. Introduce, release, transport, migrate, or allow the entry of any non-native animal species into Montrose County.
2. Establish, construct, or designate any habitat, corridor, buffer, release zone, or holding facility for such species.
3. Facilitate, harbor, support, or tolerate the intentional presence of such species, regardless of land ownership or agency jurisdiction.

4. Claim exemption from this Ordinance based on federal or state authority without express written approval from the Montrose County Board of County Commissioners.

Section 4. Liability and Enforcement

1. Each day after the introduction of a non-native animal species into Montrose County which the responsible party does not cause the removal of such species shall be a separate and distinct violation.

2. Any violation of this ordinance is a petty offense punishable by a fine not to exceed \$1,000 per incident and shall be subject to injunctive relief.

3. Any party responsible for damages or depredation upon private or public property as a result of violating this ordinance shall be held financially liable for those damages.

4. The State of Colorado or any other entity involved in wolf introduction shall bear all liability for any cattle depredation, property loss, or land devaluation arising from the presence of non-native species.

5. The Montrose County Sheriff's Office is hereby authorized to assist in enforcement, monitoring, and removal operations as necessary.

Section 5. Condemnation Protection

The presence or introduction of non-native species resulting in the loss of grazing allotments, reduction in water use, devaluation of property, or risk to life and property may constitute a regulatory taking or constructive condemnation. Montrose County asserts that it shall not be held liable for such taking and reserves the right to seek damages or civil remedies against any party responsible.

Section 6. Severability

If any section, clause, or provision of this ordinance is found unconstitutional or invalid by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 7. Effective Date

The Board hereby finds, determines, and declares that pursuant to C.R.S. 30-15-405 this Ordinance shall be enforced beginning thirty (30) days after the date of adoption of this ordinance on second reading.

First Reading occurred on the ____ day of _____, 2025

Publication occurred on the ____ day of _____, 2025

APPROVED AND ADOPTED ON: Second and Final Reading on this _____ day of _____, 2025.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTROSE COLORADO**

Scott Mijares, Chair

Sean Pond, Vice-Chair

Sue Hansen, Commissioner

ATTEST:

Deputy to the Board