

ORDINANCE NO. 2025-03

AN ORDINANCE CREATING ARTICLE IV OF CHAPTER 14 IN THE HUERFANO COUNTY CODE AND PROHIBITING THE INTRODUCTION, SUPPORT, FACILITATION, OR HABITAT ESTABLISHMENT OF NON-NATIVE ANIMAL SPECIES, INCLUDING MIGRATORY ARRIVALS, INTO HUERFANO 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 Huerfano County; and

WHEREAS, permitting such introduction would constitute a regulatory taking or constructive condemnation of private and agricultural property, for which Huerfano 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.

WHEREAS, the Board desires to create Article IV of Chapter 4 of the Huerfano County Code for these purposes.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Huerfano County, Colorado, as follows.

Section 1. Article IV Created.

The Huerfano County Code is hereby amended by adding an article to be numbered IV, which reads as follows:

ARTICLE IV. NON-NATIVE ANIMAL SPECIES

Sec. 14-80. Title.

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

Sec. 14-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Non-native animal species shall include any animal not historically present in Huerfano 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 nonnative species.

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

Sec. 14-82. Prohibition

No individual or entity shall:

1. Introduce, release, transport, migrate, or allow the entry of any non-native animal species into Huerfano 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 Huerfano County Board of County Commissioners.

Sec. 14-83. Liability and Enforcement

1. Each day after the introduction of a non-native animal species into Huerfano 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 Huerfano County Sheriff's Office is hereby authorized to assist in enforcement, monitoring, and removal operations as necessary.

Sec. 14-84. 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. Huerfano 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 2. 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.

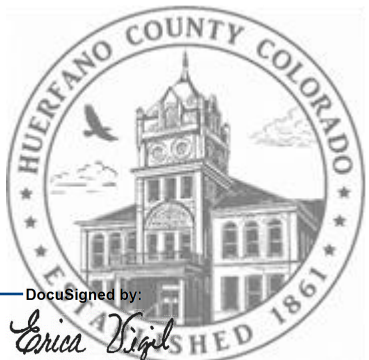
Section 3. Effective Date

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.

Section 4. Recording.

INTRODUCED, READ, and ORDERED PUBLISHED in full on first reading the 18th day of NOVEMBER 2025.

ATTEST:



Erica Vigil
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County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

Signed by: *[Signature]*
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BY Karl S. Sporleder, Chairman

Signed by: *Mitchell Wardell*
1705C9A74A634F3...

Mitchell Wardell, Commissioner

Signed by: *James L. Chamberlain*
7467D35504EE44F...

James L. Chamberlain, Commissioner