



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: July 16, 2020

RE: Municipal Code Section 7-1-120(7)(e) Rodents

DISCUSSION:

Code Enforcement has recently issued some violation notices for Prairie Dogs. The Foxfield Municipal Code section 7-1-120(7)(e) Rodents states: "It is deemed a nuisance to allow any moles, voles, mice, rats, squirrels, skunks, rabbits, prairie dogs, gophers or groundhogs to infest any real property within the Town so as to encroach upon or cause damage to the property of another."

Below are responses the Town received from the residents that received these notices.

"I have made good faith efforts several times in an effort to rid my property of any prairie dogs. However, my property continues to receive prairie dogs thus making any control impossible. It should also be made clear that this problem is somewhat recent in all the years I have lived in Foxfield."

"I've hired exterminators multiple times, spent hundreds of dollars, and they keep coming back. I live in the middle of town, so they are getting to our properties by coming from somewhere else. All my neighbors have them, so I can clear my property, and I'll have more tomorrow from other properties."

Code Enforcement does not regulate the presence of any other animals this Code section includes under rodents, nor is staff aware of any other community that regulates these rodents. Staff would suggest we remove all other species, except for prairie dogs from the list.

The Town should not have an outright ban on the presence of prairie dogs as they are an important part of the ecosystem but should better define infestation and encroachment in the Code. Encroachment could be defined as a single hole within 25 feet of a property line. Prairie dogs do not travel more than 15 feet from their holes so 25 feet would be sufficient to keep them within one property. Infestation can be defined as more than 1 hole per 900 square feet.

Since there are 43,560 square feet in an acre, this would equate to 48 holes/acre. A full colony typically only has 30-50 per acre. Just the encroachment restriction should be adequate to serve the Town's purpose of preventing a colony from growing onto neighboring properties.

Attached as Exhibit A for discussion is Ordinance 2020-03 amending Section 7-1-120(7)(e) of the Foxfield Municipal Code Concerning Rodents.

Similar to any type of wildlife, residents may deal with them as they choose on their own property (within legal limitations). If wildlife moves, in a manner other than encroaching onto an adjacent property, that is its natural behavior and not the responsibility of the Town to attempt to control. Whether or not a resident chooses to allow them on their own private property should not be the Town's concern.

Prairie Dogs are native wildlife. They also serve as a food source for larger predators. Restricting this food source contributes to the decline of wildlife diversity and other animals become larger predator's food source.

Staff also reached out to other Cities and Towns to see how they handle prairie dogs. Below are some responses received:

"Parker deals with prairie dogs all the time. They are extremely hard to get rid of and the best thing we were able to do was keep them at bay (which really meant they just avoided our area). Your residents are going to continue the battle without end unless a mass removal is done all at once and even then they tend to come back."

"In Commerce City, the City partnered with private property owners and HOAs to hire the USDA to manage prairie dogs comprehensively in areas. It really takes all the property owners working together in order to have some degree of success."

There are many educational resources available on living with and/or managing prairie dogs. Attached as Exhibit B is some educational material staff has put together and would suggest we put on the Town website.

ATTACHMENTS:

Exhibit A – Ordinance 2020-02 A Bill for an Ordinance Amending Section 7-1-120(7)(e) of the Foxfield Municipal Code Concerning Rodents (final draft and redlined)

Exhibit B – Educational Material on Prairie Dogs

Trustee Bill No. 03
Series of 2020
Town of Foxfield

Introduced by Trustee

**A BILL FOR AN ORDINANCE AMENDING
SECTION 7-1-120(7)(e) OF THE FOXFIELD MUNICIPAL CODE
CONCERNING RODENTS**

WHEREAS, the Board of Trustees desires to amend certain Sec. 7-1-120(7)(e) of the Town of Foxfield Municipal Code concerning Rodents;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF FOXFIELD, COLORADO:

Section 1. Section 7-1-120(7)(e) Rodents is hereby amended as follows:

Prairie Dogs. It is deemed a nuisance to allow prairie dogs to infest any real property within the Town so as to encroach upon or cause damage to the property of another.

Encroachment is defined as a single hole within 25 feet of the property line. Infestation is defined as more than 1 hole per 900 sq. ft.

Section 2. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 03 Series of 2020, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this day of . 2020.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

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Prairie Dogs

Prairie dogs are an important part of the ecosystem in Colorado. The Black Tailed Prairie Dog is a keystone species in our beautiful state. This means that the entire ecosystem depends on this species in order to keep balance and order within other populations. For example, in Colorado, there are at least nine different species that directly depend on the prairie dog and 137 other species that are associated with them. Without the prairie dog, the ecosystem that they live in, and that we share with them, could cease to exist.

It may not seem consequential that a small group of prairie dogs is relocated or removed from a new development area, but that action has a ripple effect on the wildlife and the people around it. Without prairie dogs, the vegetation in an area becomes out of control, or overgrazed in areas where prairie dogs are relocated. Larger predators like coyotes and foxes that once ate prairie dogs as their main food source may turn to smaller household pets if nothing else is available.

Interesting Facts:

- Colorado is home to three species of prairie dogs.
- Prairie dogs are “barking” squirrels, not dogs.
- Prairie dogs are very social critters and live in closely knit family groups called "coteries." These coteries are grouped together into neighborhoods and several neighborhoods make up a colony or town. Some towns cover several hundred acres.
- Prairie dog burrows are up to seven feet deep and 16 feet long with one or more volcano-shaped entrances that shed water and catch wind for ventilation. The tunnels themselves contain separate "rooms" for sleeping, rearing young, storing food and eliminating waste.
- Many animals including salamanders, toads, rabbits, snakes, and insects depend on prairie dog burrows for shelter from heat, cold and predators.

Tips for coexisting with prairie dogs:

- It is the responsibility of the property owner to remove prairie dogs from their property if they choose.
- Prairie dogs are opportunistic herbivores. Overcrowding and drought can force hungry prairie dogs into adjacent landscapes where they can find delicious non-native alternatives to their normal prairie fare.
- Add tall plants and shrubs to create an unwelcoming barrier.
- Keeping prairie dogs out over the long term may require fencing with both visual and burrowing barriers.

- Spend time in your yard. Simple disturbances such as you, your pet, children at play or irrigation systems can discourage prairie dogs from foraging or colonizing your yard.

<https://www.coloradoindependent.com/2019/08/19/prairie-dogs-ecosystem-natural-balance-denver/>

<https://www.arapahogov.com/1218/Prairie-Dogs>

