



# Town of Johnstown

## TOWN COUNCIL WORK SESSION

450 S. Parish, Johnstown, CO  
Monday, August 14, 2023 at 6:00 PM

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*MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.*

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## AGENDA

### CALL TO ORDER

### AGENDA ITEMS

- [1.](#) Clover Lawns
- [2.](#) RV Parking Modification
- [3.](#) Dog & Cat Sales by Retail Pet Stores
- [4.](#) Council Social Media Policy
- [5.](#) Home Rule Charter Rules and Regulations Regarding Wards and Districts
- [6.](#) Council Attendance Discipline Policy

### ADJOURN

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## AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act and other applicable laws, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at 970-587-4664 no later than 48 hours before the meeting in order to request such assistance.

De conformidad con la Ley de Discapacitados Estadounidenses y otras leyes vigentes, los individuos que necesitan adaptaciones funcionales para asistir o participar en esta reunión deberán comunicarse con la Municipalidad marcando el 970 587- 4664 a lo más tardar 48 horas antes de dicha reunión para solicitarla.

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# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Clover Lawns in the Community

**ATTACHMENTS:**

1. Email Correspondence
2. Information Regarding Clover Lawns from the Internet

**PRESENTED BY:** Matt LeCerf, Town Manager

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### WORKSESSION ITEM DESCRIPTION:

Town Staff has received an inquiry from a resident asking if clover lawns are permitted in the Town. The individual making the inquiry offers many benefits in their email regarding the value of clover lawns and additionally suggests that they should be taken off the weed list. Some of the benefits include: they are more drought resistant (requiring less water/irrigation), similar in durability to grass, and they are easy to establish. They also have items that may be perceived as negative based on individual preferences such as attracting bees and rabbits to the locations where clovers are established. The Town contacted Weld County Weed Management offices to inquire as to whether they consider clovers to be a weed and they do not. The only potential issue is that the neighbor may consider it a nuisance or a weed based on its general appearance. The Town's code does not identify weed types specifically and clovers was not located on the list of the Colorado Noxious Weeds Act species list.

This topic may not require any code modification unless Town Council wants to explicitly prohibit clover gardens or clover lawns. Town Staff is looking for a general opinion as to whether the Town Council considers a clover a weed, which would provide some guidance on if they were permissible or not and consequently allow us to determine if code amendments are necessary.

*Reviewed and Approved for Presentation,*

Town Manager

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**Matt LeCerf**

**From:** Brena Kennedy <brena.kennedy@yahoo.com>  
**Sent:** Wednesday, June 7, 2023 6:27 AM  
**To:** Matt LeCerf  
**Subject:** Re: For consideration

**CAUTION:** This email originated from outside the Town of Johnstown. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning. I was hoping to get an update on the allowance of clover lawns. With the new infrastructure going in place at highway 60, I think the town would welcome additional water saving techniques, reduced emissions from mowers, aerators, power rakers, as well as saving additional dollars on maintaining our open spaces.

I know it is quite a change and sounds odd, but I truly think it would benefit our community. Thank you

On Wednesday, August 3, 2022 at 06:04:19 AM MDT, Brena Kennedy <brena.kennedy@yahoo.com> wrote:

Thank you. I really appreciate the update. Have a great week.

On Tuesday, August 2, 2022 at 10:06:55 PM MDT, Matt LeCerf <mlecerf@johnstownco.gov> wrote:

Brena,

I hope and trust all is well today. Thanks for your feedback and perspective on clovers. We are currently in the process of updating our land use code. One of the many elements that may be included in this revision are updates to our landscaping standards, requirements and alternatives on this. We will begin exploring this option/opportunity to determine if this is a reasonable alternative given the pros and cons that may exist in this matter. Adding this to the agenda without all of the information is probably not the best course of action. If it is an acceptable solution, it may be sooner. I think a final decision would be possible and not later than the presentation to Council for considering the land use/landscaping code updates. If you have additional questions in the meantime, please let me know.

Thanks,

ML



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**From:** Damien Berg <DBerg@townofjohnstown.com>  
**Sent:** Monday, August 1, 2022 1:31 PM  
**To:** Matt LeCerf <MLeCerf@JohnstownCO.gov>  
**Subject:** Fw: For consideration

I saw you were not on this....not sure how to address this.

D

Damien S. Berg / Councilmember

Town of Johnstown

P: 970-587-4664 / 970-481-4700

[dberg@townofjohnstown.com](mailto:dberg@townofjohnstown.com)

450 S. Parish Ave. PO Box 609 Johnstown, CO 80534

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**From:** Brena Kennedy <[brena.kennedy@yahoo.com](mailto:brena.kennedy@yahoo.com)>  
**Sent:** Monday, August 1, 2022 11:44 AM  
**To:** Gary Lebsack; Damien Berg; Troy Mellon; Vanessa Dominguez; Jesse Molinar, Jr.; Dianne Morris; Chad Young  
**Subject:** Re: For consideration

Hello - I see that the below item did not make it onto the agenda. I am writing to ask that it be included on the next meeting agenda and I am copying in more of the council as I am not able to make the meeting I am counting on the council to represent this agenda item.

Thank you.



Please consider allowing clover lawns and taking it off the weed list.

Clover lawns offer the community many benefits.

1. Drought tolerant - uses less water when established - making it better for the grid and better on the community wallets in tougher economic times
2. Easily established
3. Bee beneficial (and I saw significantly less bees and hover flies this year and my vegetable garden has suffered having less pollinators)
4. Rabbits like it as well, making them less inclined to raid vegetable gardens - allowing for better harvest in these tough economic times
5. Requires no fertilizers - which won't in turn seep into our waterways and clover naturally adds the nitrogen that is what a lot of people are needing to apply with the fertilizers anyway
6. Requires little to no mowing - reducing the gas usage (saving the community money), pollution (reducing emissions), noise, increases biodiversity
7. No need for herbicide in lawns
8. Increases moisture retention in the soil
9. Clover is edible and great in salads
10. Can be mixed in with regular grass for increased durability while still providing the benefits above
11. Can reseed itself

Honestly, the grass we use in our lawns is extremely invasive also - it gets into rocks, between cement, into flower beds and landscaping. Clover is actually less invasive. Several areas maintained by HOAs or the town do already have clover in them.

If you wanted to take it a step further and we made the switch to clover, it would cost the city less money as well (as the city would see the same benefits in mowing - and not paying the people to mow, and water usage) - making it a good budgetary move for this council and a good-will move by the council to the community with the points listed above since it will save the community money, be beneficial for our local environment, be less work, and help their gardens which so many rely on.

Those with bee allergies could easily mow their clover to remove the flowers and the bees would go to other lawns.

Let's at least allow it and take it off the weed list.

Thank you for your consideration!





LATEST: U.S. Space Command news



SPECIAL RI

[https://gazette.com/life/clover-lawns-colorado-expert-shares-pros-cons-on-recent-trend/article\\_4ba2e896-e83d-11ed-8e59-af870b318566.html](https://gazette.com/life/clover-lawns-colorado-expert-shares-pros-cons-on-recent-trend/article_4ba2e896-e83d-11ed-8e59-af870b318566.html)

## Clover lawns: Colorado expert shares pros, cons on recent trend

By KELLY HAYES [kelly.hayes@gazette.com](mailto:kelly.hayes@gazette.com)

May 6, 2023



1 of 3

In Colorado, the most common clover used for lawns is white clover, a leafy green with white flowers, said Colorado State University professor Tony Koski, a turfgrass scientist.

Courtesy photo by Tony Koski

If you've been looking to change up your lawn for spring, you've probably come across the increasingly popular option to grow clover.

The soft, green leaves of clover are appealing to some who are tired of all the potential chemicals used to upkeep a grass lawn.

But would a clover lawn hold up in Colorado?

Colorado State University professor Tony Koski, a turfgrass scientist, explained the pros and cons of having a clover lawn.

In Colorado, the most common clover used for lawns is white clover, a leafy green with white flowers.

"There are quite a few different kinds of clover but really only one you would use for a lawn," Koski said.

The use of clover for lawns isn't new, Koski said. Despite recent interest in the plant, it used to be common to mix clover with grass in yards, before herbicides hit the market.

“Back in the ‘30s, ‘40s, ‘50s, it was intentionally included in lawn seed mixes,” Koski said. “Once herbicides became available, people wanted more grass in their lawns, and less things that some might construe as weedy in appearance, so the whole clover thing kind of went away.”

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Why was clover often used before herbicides? Well, it provides several benefits to lawns.

Clover is a legume, Koski said, and legumes have bacteria in their roots that draw nitrogen from the surrounding environment. That nitrogen helps the whole yard and acts as a fertilizer, improving surrounding grass and flowers.

“Before there were commercial fertilizers, that was a way of fertilizing your lawn, essentially, is to have some clover mixed in with it,” Koski said. “They use that nitrogen for their own growth, but then some of that nitrogen leaks out of the roots of the clover. It can be shared with other plants growing around it.”

In Colorado, you can try mixing clover seeds with wildflower seeds for a blooming flower garden. And since white clover flowers throughout the season, pollinators will flock to your garden, Koski said.

“It’s a more constant supply of flowers potentially for bees and native pollinators, so that’s one of the advantages of clover in the lawn,” Koski said.

The length of clover varies depending on the seed, with standard clover growing to about 6-7 inches tall, and micro clover reaching about 4-6 inches.

“The idea with those micro clovers is that they grow kind of under the grass canopy,” Koski said. “They are very theoretically low growing and they tend not to flower as much.”

As far as cons of a clover lawn, perhaps the biggest is that it likely doesn’t save that much water, an important factor to consider in drought-prone areas like Colorado. More research is still needed to find out just how much water clover needs to be successful, Koski said.

“Nobody really knows. There’s all these claims that clover requires way less water than a bluegrass lawn. I strongly suspect that’s not true,” Koski said. “What I’ve seen with clover in 35 years of my job of looking at lawns and working on lawns — I don’t think it’s going to be the panacea from a water perspective that a lot of people think.”

In fact, later this year, Koski will perform a research demonstration at the Larimer County Fairgrounds to see just how much water a clover lawn uses.

The good news, however, is that the plant will tell you when it is in need of water.

“It’ll tell you in a very striking fashion that it needs to be watered,” Koski said. “It’s gonna start wilting and turning brown and yellow and different colors, so that’ll kind of be it saying that you really should water it.”

Another con: weeds. It’s harder to kill weeds without killer clover.

“If you get plants growing in your clover lawn that you don’t like, it gets really hard to control them with any kind of herbicide because what kills the weed would probably kill your clover,” Koski said.

If you’re interested in growing clover, Koski recommends you start by integrating the clover seeds with your current grass.

“You can kill off your entire lawn and then seed clover into it. What I encourage people to do is not to do that, because if you’re happy with the clover, if it doesn’t come up then you’re gonna have a weed problem,” Koski said.

Item 1.

At the end of the day, different lawns will have different needs, Koski said. So, if you want to try it, go ahead — it’s nothing new. “This has actually been around forever, as it has a place. If you learn how to grow right, you can have a nice clover lawn,” he said.

MORE INFORMATION



Colorado Springs area home and garden events starting May 6

Year-round gardening: Planning a shade garden in Colorado

Give a Mother's Day gift from Harding Nursery

Dutch Heritage Gardens in Larkspur to host 16th annual open house sale

Colorado Springs Horticultural Art Society plans annual Gigantic Plant Sale for Mother's Day weekend

Kelly Hayes

Reporter





Home>Natural and Organic Lawn Care Tips

## Clover Lawn Pros & Cons

A guide on everything you need to know about clover lawns.

Over time, clover has gained an unfavorable reputation, but did you know it was once a standard component in grass seed mixes?

- [Introduction to Clover Lawns](#)
- [Pros and Cons of Clover Lawns](#)
- [How to Plant a Clover Lawn: A Step-by-Step Guide](#)
- [Caring for Your Clover Lawn: Maintenance Tips](#)
- [The History of Clover Lawns](#)
- [Frequently Asked Questions About Clover Lawns](#)
- [Key Takeaways About Clover Lawns](#)
- [Clover Lawn Resources and References](#)



### A Little About The Clover Lawn

Before the development of weed control methods and the idea of a flawless lawn being 100% grass, grass seed blends often contained 5% (or even more) white clover. Discover more about choosing the right grass seed.

In reality, some individuals choose to establish a clover lawn using clover seed to cultivate a lawn mainly or entirely made up of diverse clover varieties. Dutch white clover, mini clover, and micro clover are among the most prevalent types used in such lawns.

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<b>Pros:</b>	<b>Cons:</b>
<ul style="list-style-type: none"> <li>• A clover lawn doesn't require fertilization. In-fact, clover will pump nitrogen into your soil acting like a natural lawn fertilizer.</li> <li>• A clover lawn requires less mowing because it doesn't grow as fast or as high as grass.</li> <li>• Clover can help your grass thrive during a drought.</li> <li>• Clover is a strong competitor to weeds because of its dense root structure.</li> <li>• Clover attracts beneficial insects to your backyard, such as bees, which encourage the pollination of your garden's fruits and vegetables.</li> </ul>	<ul style="list-style-type: none"> <li>• Clover will attract bees because of its white flowers. This can be unfavorable if you are allergic or have people and pets who play on the lawn.</li> <li>• Clover is an invasive grower because the roots spread out far and fast. The roots can even creep over edging and enter into your gardens.</li> <li>• If you overseed your lawn with clover it can look patchy, while an all clover lawn can look lumpy and uneven.</li> </ul>

## How To Plant A Clover Lawn

Planting Clover Ground Cover can help turn your lawn into a pollinator oasis.

A clover lawn is an excellent choice for conserving water, supporting pollinators, and enhancing soil quality. Plus, maintaining a clover lawn is a breeze once you grasp the essentials of clover lawn care.



### Tips for Planting a Clover Lawn



Clover seeds typically grow well with minimal maintenance. If you're shooting for a robust, dense packed lawn of clover, though, a little effort goes a long way. Attending to the soil, planting in the right season, and following cultural practices can encourage clover to flourish in your lawn.

### **Clover Lawn Planting Tip: Soil**

Test your soil and make any necessary adjustments to bring it within a pH range of 6 to 7. That's when clover grows best. You can purchase a pH meter or soil test kit to figure out the current pH of your lawn. You can also engage a lawn care company to perform a pH test. If you find that your soil is outside the 6–7 pH range, adding peat moss will increase acidity (and lower pH) and adding lime will increase alkalinity (and raise pH).

### **Clover Lawn Planting Tip: Season**

Planting seeds in late spring will give you the best chance of creating a thick clover lawn. Specifically, clover seeds grow best when planted after the last frost, when temperatures will stay above 40°F for the rest of the season.

### **Cultural Practices Regarding Clover Lawns**

Once the weather warms and the pH is just right, it's time to plant your clover seeds. Spread seeds generously over your lawn, and then rake the newly seeded areas to help the seeds penetrate the soil. Water your lawn every day thereafter until you start to see clover sprouts. Germination usually occurs within 2 weeks. Once the young plants put out leaves, reduce the watering regimen to about once a week.

## **Caring for Your Clover Lawn**

How to care for a clover lawn without breaking the bank.

After establishing your clover lawn, follow these simple maintenance tips to keep it flourishing and looking its best:

1. Mow consistently, about once a month, to maintain a neat appearance and prevent overgrowth.





2. During dry spells, water your lawn regularly, ensuring the water penetrates deeply enough to reach the clover's roots.
3. Apply a light fertilizer annually, preferably in the spring, to maintain a healthy lawn.
4. Although clover lawns are generally low in weeds, occasional hand-weeding may be necessary to remove any unwanted growth without damaging the clover.

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With proper care and attention, your clover lawn will thrive, offering you an attractive, eco-friendly outdoor space for years of enjoyment.

## Clover Lawns: A History and Guide

The old clover lawn makes a resurgence.

The idea of an all clover lawn may sound strange. However, our modern lawns would have seemed strange to people just a few dozen decades ago. The vision of an American lawn as a uniform bed of single turf grass is actually a preference transplanted from France and England.

Aristocrats in these countries turned wild countryside, which was populated with numerous species, into highly cultivated, rolling lawns of just grass. They found the clean, cropped lines of a lawn more aesthetically pleasing than the frenetic richness that mother nature provided (And if you can relate, check out our best lawn mowing tips).

Americans then began to imitate the French and English style in the 1800s, as it had become a sign of wealth to have a carefully cultivated lawn. The meadows of America, of which clover was a part, were gradually mowed and trimmed into the typical vision of a lawn we have today.

This European influence may play a part in why some people find clover unsightly today. Really, though, the idea that a lawn must contain just one kind of plant was an arbitrary cosmetic preference that just happened to catch on.

In recent years, there has been a resurgence of interest in clover lawns as people have become more aware of the environmental benefits of these plants. Clover lawns are more drought-tolerant than traditional lawns, and they require less water and fertilizer. They are also a good source of food for pollinators, such as bees and butterflies.

With a little care and attention, you can create a beautiful and low-maintenance clover lawn that will benefit your environment and your wallet.

## Deciding If Clover is the Right Choice for Your Lawn

Should you go clover?

As evident, the decision to use clover isn't straightforward. However, enough information is available to help you make an informed choice about incorporating clover into your lawn.

If you're still unsure about clover, explore our suggestions on how to eliminate clover from your lawn.

Before introducing clover to your lawn or garden, ensure it's the right decision, as clover removal can be quite challenging. Regardless of your stance on clover, reach out to your local NaturaLawn of America branch to bring your lawn vision to life.



Item 1.

[Discover Lawn Care Services Near You](#)

## Frequently Asked Questions About Clover Lawns

### What is a clover lawn?

A clover lawn is a type of lawn that consists primarily or entirely of clover plants, which are legumes that can provide a low-maintenance, eco-friendly alternative to traditional grass lawns.

### What are the benefits of having a clover lawn?

Clover lawns have numerous benefits, including improved soil fertility due to nitrogen fixation, drought tolerance, reduced need for mowing, natural weed suppression, and attraction of beneficial pollinators such as bees and butterflies.

### Are there any downsides to having a clover lawn?

Some potential downsides of a clover lawn include its tendency to attract bees (which may be an issue for those with allergies or concerns about pets and children), its invasive growth pattern, and its potentially uneven appearance compared to a traditional grass lawn.

### How do I plant a clover lawn?

To plant a clover lawn, start by testing your soil to ensure it has a pH range of 6 to 7, which is ideal for clover growth. Sow clover seeds in late spring, following the last frost, and distribute them evenly across your lawn. Rake the seeded areas gently and water your lawn daily until clover sprouts emerge.

### **How do I care for a clover lawn?**

Caring for a clover lawn involves mowing it consistently (about once a month), watering during dry spells, applying a light fertilizer annually, and hand-weeding occasionally to remove any unwanted growth without damaging the clover.

### **Can I mix clover with grass for a more diverse lawn?**

Yes, you can mix clover with grass to create a more diverse and eco-friendly lawn. This combination can improve soil fertility, reduce the need for fertilizers, and create a more drought-tolerant lawn.

### **Is a clover lawn safe for pets and children?**

Clover lawns are generally safe for pets and children. However, be cautious if you have family members who are allergic to bee stings, as clover attracts bees due to its flowers.

### **Can a clover lawn help reduce weeds in my yard?**

Yes, clover lawns can help suppress weeds due to their dense root structure and ability to outcompete many common weeds for resources.

### **Will a clover lawn stay green during drought conditions?**

Clover lawns are more drought-tolerant than traditional grass lawns and can stay green even during dry spells with minimal watering, making them an attractive option for those in areas with water restrictions or dry climates.

### **Should I plant a clover lawn or grass?**

The decision to plant a clover lawn or grass depends on your priorities and preferences. If you're seeking a low-maintenance, eco-friendly option that improves soil fertility, conserves water, and supports pollinators, a clover lawn is an excellent choice. However, if you prefer a more traditional lawn appearance and aren't concerned about attracting bees, a grass lawn may be more suitable for your needs.

## **Key Takeaways About Clover Lawns**

1. Clover lawns were once standard components in grass seed mixes and offer numerous environmental benefits, such as conserving water and supporting pollinators.
2. Planting a clover lawn involves testing the soil for optimal pH, sowing seeds in late spring, and watering regularly until sprouts emerge.

3. Maintaining a clover lawn requires minimal effort, such as consistent mowing, occasional watering during dry spells, and annual light fertilization.
4. Clover lawns are low-maintenance, drought-tolerant, and provide a natural source of food for pollinators like bees and butterflies.
5. Deciding to use clover in your lawn requires careful consideration, but resources and expert advice are available to help make an informed choice.

Looking for help getting the lush, mosquito-free lawn you've always wanted? The lawn care experts at NaturaLawn of America provide environmentally friendly lawn care at an affordable price. Contact us to have our seasoned technicians assess the unique needs of your lawn.

NaturaLawn of America

NaturaLawn.com

800-989-5444

## References

1. How To Plant A Clover Lawn - B,H & G  
<https://www.bhg.com/how-to-plant-a-clover-lawn-6750469>
2. Guide To Clover Lawns - Masterclass  
<https://www.masterclass.com/articles/clover-lawn-guide>
3. How To Establish A Clover Lawn - EarthEasy  
<https://learn.eartheasy.com/articles/how-to-establish-a-clover-lawn/>
4. History Of Clover Lawns - The University of Maryland  
<https://extension.umd.edu/resource/lawns-and-microclover>
5. The History Of Clover Lawn Trends - Case Western Reserve University  
<https://thedaily.case.edu/historys-ted-steinberg-discussed-the-trend-of-clover-lawns/>

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# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** RV Parking Regulations

**ATTACHMENTS:** 1. E-mail Correspondence Received by the Town

**PRESENTED BY:** Matt LeCerf, Town Manager

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### WORKSESSION ITEM DESCRIPTION:

Included with this work session correspondence is an e-mail that was received by a resident who received a citation for a detached RV trailer at their residence from a towing vehicle. The citation was issued by the Town of Johnstown Code Enforcement Department in compliance with the Johnstown Municipal Code Section 8-47, which states the following:

#### **Sec. 8-47. - Restricted parking of trailers, campers and boats on streets.**

- (a) Detached trailers, pickup campers and boats. For purposes of this Section, *trailer* means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A *pickup camper* means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.
- (1) No trailer shall be detached from a towing vehicle and left standing in any public right-of-way.
  - (2) No pickup camper shall be unloaded from a pickup truck and left standing in any public right-of-way.
  - (3) No boat, whether standing on a trailer or standing by itself, shall be left standing on any public right-of-way unless attached physically to a motor vehicle.
- (b) Parking of oversized vehicles. For the purpose of this Section, *oversized private vehicle* means any vehicle registered, licensed or used for private purposes including but not limited to buses, motorized mobile homes and motorized recreational coaches, and exceeding thirty-four (34) feet in length or eight (8) feet or more in width. Oversized vehicles are prohibited from parking in any area of the Town, either on the street, traveled road or public right-of-way, except:
- (1) Temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed twenty-four (24) hours;
  - (2) Temporary parking of passenger vehicles, such as automobiles and pickup trucks, with attached trailers, campers or boats for a period not to exceed forty-eight (48) hours;

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(3) Temporary parking of oversized private vehicles by nonresident visitors pursuant to a permit issued by the Chief of Police. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. Such permits shall not exceed fourteen (14) days and may be renewed for not to exceed fourteen (14) days. Such permits shall be limited to one (1) street location.

(c) Measurements. Measurements made in the enforcement of this Section shall be made as follows:

(1) The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes and vents.

(2) The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

(d) Application. This Section shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate.

(e) Penalties. Failure to comply with the provisions hereof shall be unlawful, and any person who shall be convicted of a violation hereunder shall be penalized for each offense as provided in [Section 1-62](#) of this Code.

The resident is requesting consideration to modify the code to allow exceptions within cul-de-sacs given the difficult turning radii and how it impacts adjacent neighbors. Staff is requesting direction on if Council would like a special provision to be included in the municipal code to be brought forward for future consideration.

While Staff defers the direction on this matter to Council, Staff is opposed to a change in the regulation because of the difficulty that it will create to administer and even more concerning would be the potential public safety issues for police and fire personnel in the event of an emergency in the cul-de-sac.

***Reviewed and Approved for Presentation,***



Town Manager



**From:** [Troy Mellon](#)  
**To:** [Nathan Sassano](#)  
**Cc:** [Council](#); "[avi@rocklinlaw.com](mailto:avi@rocklinlaw.com)"  
**Subject:** RE: Suggested change to Municipal Code  
**Date:** Monday, May 15, 2023 1:57:36 PM  
**Attachments:** [image001.png](#)

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Nathan,

Thank you for your comment. Council is creating a list of legislative items such as this to discuss in an effort to keep the Town code relevant. I have directed staff to put this item on the list for Council consideration at some time in the near future.

Best regards,



**Troy D. Mellon** | Mayor  
 Town of Johnstown  
 p: (970) 587-4664

[Facebook](#) | [Twitter](#) | [johnstownco.gov](http://johnstownco.gov)  
 450 S Parish Ave. Johnstown, CO 80534

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**From:** Nathan Sassano <natesassano@yahoo.com>  
**Sent:** Friday, May 12, 2023 11:36 AM  
**To:** Council <council@johnstownco.gov>  
**Subject:** Suggested change to Municipal Code

Dear Town Council,

I would like to bring an issue to your attention and ask you to consider amending a rule in the Municipal Code. Specifically, I am referencing Article III Sec. 8-47 - Restricted parking of trailers, campers and boats on streets.

My family recently purchased a travel trailer hoping to spend some time together this summer. I brought the trailer to our home (2913 Moulard CT - Pioneer Ridge) on Wednesday at about 12:30 so we could clean and load the trailer for our trip this weekend, for which we will leave on Friday. I then unhooked my truck and went to pick up my daughter at Roosevelt High School. By the time I got home about 3pm, I had a \$75 ticket. Apparently I violated the rule referenced above by detaching my truck and leaving the detached trailer parked in front of our home. I was unaware of this rule, and relied on my HOA rule that we can have the trailer parked at our home for 48 hours to load/unload.

Here's the issue. We live on a cul-de-sac. As such, our property is pie-shaped and the front of our property is rather small. There isn't enough space to park the trailer entirely on my own driveway, and if I leave my truck attached to the trailer on the cul-de-sac, my truck blocks much of my neighbor's driveway. Unattached, my



trailer takes up about 28 feet which will narrowly fit in front of our home. Attached to the truck, it suddenly becomes a 40-45 foot obstacle. Having this rule in place that requires the trailer to be attached, in an area that is already quite small, seems like we are asking for more trouble and creating more of a hazard. In an attempt to be a good neighbor and not block their driveway, I chose to leave the trailer in front of my own house and unhook my truck.

We've spoken to our neighbors about the situation - a courtesy that was not provided to us by whichever neighbor called the Code Enforcement Officer - and they are ok with us leaving the truck attached and blocking their driveway as they know the situation is temporary. This will allow us to avoid another unnecessary ticket.

Given all of this, my ask is that you consider amending each statement of Article III Sec 8-47 to add to the end something to the effect of "except in a cul-de-sac where space is limited." While I understand that a cul-de-sac is technically a public street, the space available is incredibly limited, and accommodations should be made for those in that situation who are otherwise trying to follow the rules and be good neighbors.

And to be clear, I'm not asking for any special treatment or reduction of a fine. We broke the rule - even unintentionally - and will pay the fine. As Thomas Jefferson said, "Ignorance of the law is no excuse." However, sometimes rules while well-intentioned have negative consequences. I believe this is one of those times.

Please let me know if you need any further information. I look forward to hearing your decision to amend this rule.

Respectfully,

Nate Sassano

970-302-7788  
2913 Moulard CT  
Johnstown



# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Dog & Cat Sales by Retail Pet Stores

**ATTACHMENTS:** 1. Ordinances Approved by Municipalities in Colorado (4 Versions)

**PRESENTED BY:** Matt LeCerf, Town Manager

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### WORKSESSION ITEM DESCRIPTION:

The Town has received requests from the public, including during public comment to consider adoption of an ordinance regulating the sale of animals raised in inhumane conditions. Specifically, those requests are to outlaw the sale of dogs and cats from puppy and kitten mills, which create unwholesome business practices and are not in the best interest of public welfare of the Town. Staff is requesting guidance from Town Council to determine if they want an ordinance presented to them for consideration and inclusion into the Johnstown Municipal Code which would prohibit this type of operation. It is important to note that currently the Town does not have any retail pet operations and this would be a proactive measure to establish general standards regarding pet sales.

*Reviewed and Approved for Presentation,*

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Town Manager

The Community That Cares

[johnstown.colorado.gov](http://johnstown.colorado.gov)

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

**TOWN OF SUPERIOR  
ORDINANCE NO. O-9  
SERIES 2021**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR AMENDING CHAPTER 7 ARTICLE II OF THE SUPERIOR  
MUNICIPAL CODE TO ADDRESS PET SHOPS**

**WHEREAS**, the Humane Society of the United States (the "Humane Society") has determined that puppy and kitten mills are inhumane commercial breeding facilities, which disregard the animals' physical and emotional health to maximize profits;

**WHEREAS**, according to the Humane Society, these mills produce animals for sale, often at retail pet shops;

**WHEREAS**, the Board of Trustees hereby finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice; and

**WHEREAS**, the Board of Trustees further finds and determines that the sale of other animals that are unhealthy or raised in inhumane conditions is also an unwholesome business practice.

**NOW BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:**

**Section 1.** Section 7-2-10 of the Superior Municipal Code is amended by the addition of the following definitions, to appear in alphabetical order:

**Sec. 7-2-10. - Definitions**

*Animal* means birds, reptiles, and mammals other than the species *Homo sapiens*. An animal's offspring shall be considered a separate unit upon completion of weaning.

*Animal care facility* means an animal control center or animal shelter maintained by or under contract with any state, county or municipality, with a mission and practice of, in whole or significant part, to rescue and place animals in permanent homes.

*Animal rescue organization* means a nonprofit organization with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with a mission or practice, in whole or significant part, to rescue or place animals in permanent homes.

*Cat* means any animal of the species *Felis catus* or any hybrid thereof.

*Dog* means any canine animal, including those related to the wolf, fox, coyote, or jackal.

*Pet shop* means a retail establishment where animals are sold, exchanged, bartered, or offered for sale as pets to the general public at retail, but excluding an animal care facility or animal rescue organization.

**Section 2.** Article VII of Chapter 2 of the Superior Municipal Code is hereby amended by the addition of a new Section 7-2-116 to read as follows,

**Sec. 7-2-116. – Pet shops.**

- (a) No pet shop shall sell, deliver, offer for sale, barter, auction or otherwise dispose of a dog or a cat.
- (b) A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- (c) It is unlawful for a pet shop to offer for adoption any sick or injured dog or cat, or to offer for adoption any dog or cat that is so young or weak that its sale would be injurious to the animal.
- (d) It is unlawful for a pet shop to offer any of the following for sale, barter or auction: a sick or injured animal; an animal that is so young or weak that its transfer would be injurious to the animal; or an animal that has been inhumanely bred or raised.

**Section 3.** Section 7-2-140 of the Superior Municipal Code is hereby amended by the and the addition of a new subsection (c), to read as follows:

**Sec. 7-2-140. – Penalties.**

\* \* \*

- (c) In addition to any other penalties allowed by law, the operation of a pet shop in violation of this Article is declared to be a public nuisance and is subject to abatement as provided by law. In any case in which the Town prevails in a nuisance abatement action initiated pursuant to this Article, the Town may recover its reasonable attorney fees plus the costs of the proceeding.

**Section 4.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining

portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

**Section 5.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2021.**



*Clint Folsom*

Clint Folsom, Mayor

**ATTEST:**

*Patricia Leyva*  
Patricia Leyva, Town Clerk

## **6-3H-10: SALE OF ANIMALS FROM INHUMANE COMMERCIAL BREEDING FACILITIES:**

A. As used in this Section the following words shall have the following meanings:

**ANIMAL CARE FACILITY:** An animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes.

**ANIMAL RESCUE ORGANIZATION:** Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

**CAT:** Has the meaning provided in Section [6-2-2](#) of this Code.

**DOG:** Has the meaning provided in Section [6-2-2](#) of this Code.

**OFFER FOR SALE:** To sell, offer for sale or adoption, advertise for sale of, barter, auction, give away, or otherwise dispose of a dog or cat.

**PERSON:** Has the meaning provided in Section [1-3-2](#) of this Code.

**PET SHOP:** A retail establishment where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition does not include an animal care facility or animal rescue organization as defined in this Section.

B. No pet shop shall sell, deliver, offer for sale, barter, auction, or otherwise dispose of a dog or a cat.

C. A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.

D. Each violation of this Section shall constitute a separate offense.

E. It is unlawful and a misdemeanor offense for any person to violate any provision of this Section. Any person convicted of violating any provision of this Section shall be punished as provided in chapter [4](#), title [1](#) of this code.

F. The operation of a pet shop in violation of this Section is declared to be a public nuisance, and is subject to abatement as provided by law. In any case in which the town prevails in a nuisance abatement action initiated pursuant to this Section, the town may recover its reasonable attorney fees plus costs of the proceeding. (Ord. 28, Series 2019)

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**The Breckenridge Town Code is current through Ord. 29, Series 2022, passed August 23, 2022.**

Disclaimer: The town clerk's office has the official version of the Breckenridge Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.townofbreckenridge.com](http://www.townofbreckenridge.com)

[Code Publishing Company, A General Code Company](#)

**TOWN OF BERTHOUD  
ORDINANCE NO. 1267**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO TO PROHIBIT PET  
SHOPS FROM SELLING, BARTERING, AUCTIONING, OR OTHERWISE  
DISPOSING OF ANIMALS BORN OR RAISED IN INHUMANE COMMERCIAL  
BREEDING FACILITIES AND TO PROMOTE THE ADOPTION OF RESCUE  
ANIMALS**

**Whereas**, The Town of Berthoud, Colorado (the “Town”), has an interest in maintaining the public safety and welfare of the citizens of the Town; and

**Whereas**, Colorado Revised Statute section 31-15-501 authorizes municipalities to prohibit any offensive or unwholesome business practice; and

**Whereas**, the Humane Society of the United States, has determined that puppy and kitten mills are inhumane commercial breeding facilities which disregard the animals’ health – both physical and emotional – in order to maximize profits; and

**Whereas**, according to the Humane Society of the United States, these mills produce animals for sale, oftentimes at retail stores; and

**Whereas**, the Town Board finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice and not in the best interest of the public welfare of the Town, and desires to exercise its authority derived from Colorado Revised Statute section 31-15-501 to prohibit the sale of dogs and cats in retail stores that come from these mills,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF  
BERTHOUD, COLORADO THAT:**

**SECTION 1.** Chapter 18.1 of the Berthoud Municipal Code is amended to include a new definition as follows:

*Pet Shop* – Means any establishment wherein dogs or cats are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include a Humane Society or Animal Shelter as those terms are defined herein.

**SECTION 2.** Chapter 18 of the Berthoud Municipal Code is amended to include a new section 18.9 as follows:

**18.9 Sale of Animals From Inhumane Commercial Breeding Facilities.**

**18.9-1 Prohibition.**



(a) A Pet Shop shall not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs or cats unless sourced from an Animal Shelter or Animal Rescue.

(b) A Pet Shop shall not offer for adoption any dog or cat which is younger than eight weeks old.

(c) Each dog or cat sold, delivered, offered for sale, bartered, auctioned, or otherwise disposed of in violation of this section shall constitute a separate offense. Each dog or cat offered for adoption which is younger than eight weeks old shall constitute a separate offense.

**18.9-2 Recordkeeping and Disclosures.**

(a) A Pet Shop shall maintain records sufficient to document the source of each dog or cat the Pet Shop acquires for at least one year following the date of acquisition. Such records shall be made available immediately upon request by Town Staff or law enforcement.

(b) A Pet Shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the Animal Shelter or Human Society or Animal Rescue from which the Pet Shop acquired each dog or cat.

(c) Each dog or cat offered for adoption in violation of this section shall constitute a separate offense. Each recordkeeping violation under this section regarding a particular dog or cat shall constitute a separate offense. Each failure to post a sign as required by this section regarding a particular dog or cat shall constitute a separate offense.

**18.9-3 Penalties.** Every person found guilty of violating any provision of this Chapter, whether by acting in a manner declared to be unlawful or by failing to act as required, may be punished as provided in this Code, and sentenced to serve up to one year in jail, or pay a fine of up to \$2,650.00, or both such fine and imprisonment.

**SECTION 3.** The amendments in this ordinance shall become effective immediately upon approval

INTRODUCED, READ and PASSED this 25<sup>th</sup> day of June, 2019.

William Karspeck  
William Karspeck, Mayor

ATTEST:  
Christian Samora  
Christian Samora, Town Clerk



**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 20 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO  
PROHIBITING THE SALE OF DOGS AND CATS FROM  
RETAIL PET STORES LOCATED WITHIN THE TOWN OF  
MINTURN OF WHICH THE ANIMALS ARE BRED OR  
PROVIDED BY A PUPPY OR CAT MILL**

WHEREAS, Most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, Pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, Current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, Prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, The huge majority of pet stores, both large chains and small, family-owned shops, are already in compliance with the proposed Ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, This Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, The Ordinance believes it is in the best interest of town to adopt reasonable regulations to reduce costs to the Town of Minturn and its residents, protect citizens who may purchase cats or dogs



from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the [City].

#### **Section 7-11-10 Title**

This Article title shall be known as "Prohibition of the retail sale of animals acquired from animal mills."

#### **Section 7-11-20 Intent**

It is the intent of the Town Council in adopting these pet animal rules is to require retail outlets to be responsible when obtaining and selling live animals to the public with respect to the animals in a manner which recognizes the rights, health and safety of the animals and others in the community and that they be held strictly liable for conduct of the animals which are provided for sale to the public.

#### **Section 7-9-30 Definitions**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

*Breeder* means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

*Broker* means a person that transfers a dog or cat from a breeder for resale by another person.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet store* means a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

#### **Section 7-9-40 Restrictions on the Sale of Animals**

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

#### **Section 7-9-50. Penalty.**

A pet store that violates this section shall be subject to a civil penalty of \$500, and each dog or cat


offered for sale in violation of this section shall constitute a separate violation. The stated fines are minimum penalties, and all violations are subject to the general fine and imprisonment provisions of Chapter 1, Article 4 of this Code

**Section 4. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17<sup>TH</sup> DAY OF NOVEMBER, 2021. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 1<sup>ST</sup> DAY OF DECEMBER, 2021 AT 5:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

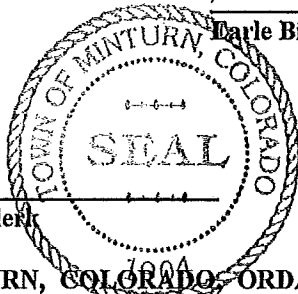
**TOWN OF MINTURN, COLORADO**



Earle Bidez, Mayor

**ATTEST:**

By:   
Jay Brunvand, Town Clerk



**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1<sup>ST</sup> DAY OF DECEMBER, 2021.**

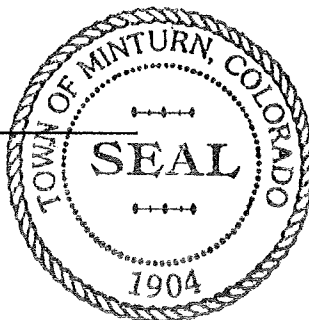
**TOWN OF MINTURN, COLORADO**



Earle Bidez, Mayor

**ATTEST:**

By:   
Jay Brunvand, Town Clerk





# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATIONS

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Social Media Policy

**ACTION PROPOSED:** Work Session Discussion Only

**ATTACHMENTS:** 1. Proposed Elected Official Social Media Policy

**PRESENTED BY:** Avi Rocklin, Town Attorney  
Jamie Barker, Communications Manager

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**WORK SESSION DESCRIPTION:** For consideration is a proposed Elected Official Social Media Policy (“Policy”) to guide and govern Council’s conduct when participating in social media. The Policy recognizes two types of social media uses – official capacity use and personal capacity use.

The Policy contains content and use requirements with respect to official capacity use, including, among others, prohibiting the posting of discriminatory, confidential, or personal information. The Policy also provides that a Councilmember may not post content on behalf of the Town or the Town Council, absent Town Council authorization; engage in discussions related to quasi-judicial matters; restrict access to members of the public; or censor or delete posts.

As to personal capacity use, the Policy does not contain content requirements, but provides that, when using social media in personal capacity, a Councilmember should not associate the account with such person’s official position; identify the account as an “official” account; direct constituents or others to it in a way that suggests that the account is an extension of such Councilmember’s office; use the Town’s trademark or logo; or use a Town-issued email address to register on social media.

The Policy encourages Councilmembers to include a disclaimer on the accounts in generally the following form: “Comments, opinions and similar such postings on this site are my own and do not necessarily represent the Town of Johnstown’s positions, strategies or opinions.” The

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disclaimer need only be included on personal accounts when the personal use may reasonably be perceived as being related to the Town.

*Reviewed and Approved for Presentation,*



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Town Manager

## TOWN OF JOHNSTOWN ELECTED OFFICIAL SOCIAL MEDIA POLICY

### **I. Purpose and Scope**

The purpose of this Elected Official Social Media Policy (“Policy”) is to describe manner in which the Town of Johnstown’s elected officials are authorized to use social media in their official capacities and to set forth the rules and limitations that govern such use. This Policy also sets forth the extent to which elected officials use of social media in their personal capacity may bring such personal use within the purview of this Policy. This Policy is intended to protect the rights of the public in their ability to access public forums, and to ensure that the Town is able to comply with its requirements under the laws and constitutions of the State of Colorado and the United States of America.

### **II. Definitions**

- A. *Councilmember*: The members of the Town Council, including the Mayor.
- B. *Official Capacity Use*: A Councilmember’s use of their Town e-mail address, position, title or official capacity or a Councilmember’s personal use of social media that is reasonably related to engaging with constituents, communicating with the public on matters of public concern or affairs or carrying out the Councilmember’s official duties.
- C. *Personal Information*: Information that can be used to distinguish or trace an individual’s identity, such as date and place of birth, personal addresses or telephone numbers, social security number, driver’s license number, or records that contain genetic, medical, or psychological data or information. Personal information also includes personal financial information and other information maintained because of the employer-employee relationship, pursuant to C.R.S. § 24-72-202(4.5). For purposes of this section, “personal information” does not include publicly available information that is lawfully made available to the public from federal, state, or local government records.
- D. *Personal Use*: A Councilmember’s use of social media that is not an official capacity use.
- E. *Social Media*: Online, electronic, or internet media, tools, communities and spaces for social interaction, sharing user generated content or public communication. Social media typically uses web-based technologies to turn communication into interactive dialogs. Social media may take many different forms, including, for example, internet forums, blogs & microblogs, online profiles, wikis, podcasts, pictures and video, email, text, instant messaging, music-sharing, and chats. Examples of social media include but are not limited to the following: LinkedIn, Facebook, MySpace, Wikipedia, YouTube, X (previously, Twitter), Skype and blog. The Town acknowledges that this form of communication changes rapidly and, therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this Policy.
- F. *Town*: The Town of Johnstown, including acts by its Town Manager or designee(s).
- G. *Town Council*: The Town Council of the Town of Johnstown.

### **III. Individual Responsibility for Social Media Activity**

- A. Councilmembers are not expected or required to use social media. Councilmembers may engage freely in official capacity or personal use of social media, but personal use, to the extent reasonably practicable, should not involve official capacity use.
- B. If a Councilmember chooses to use social media using their official title or to discuss the business or affairs of the Town, the Councilmember is solely responsible for such use. Any use of social media communication that is not operated, maintained or used in compliance with this Policy shall be considered outside of the Councilmember's official capacity use and the Town shall bear no responsibility for what transpires on or because of those accounts, including without limitation no responsibility to defend or indemnify a Councilmember.
- C. The Town does not create, operate or maintain social media accounts on behalf of Councilmembers for their official capacity use.

#### **IV. Official Use of Social Media**

- A. **No Expectation of Privacy.** All official capacity use of social media by Councilmembers may be open to public inspection in accordance with the Colorado Open Records Law (C.R.S. § 24-72-200.1 *et seq.*), and Councilmembers do not have an expectation of privacy concerning such participation.
- B. **Councilmember to Councilmember Discussion.** In order to assure compliance with the Colorado Open Meetings Law (C.R.S. § 24-6-402 *et seq.*), Councilmembers shall refrain from engaging in discussions with more than one other Councilmember through social media, including personal social media accounts, regarding Town business, except where the use does not relate to the merits or substance of Town business or where electronic mail communications are sent by a Councilmember for the purpose of forwarding information, scheduling or responding to a non-substantive inquiry from an individual who is not a Councilmember.
- C. **How a Councilmember presents the account.** Councilmembers must identify themselves by name and position title and use their Town e-mail address when participating in social media websites for official capacity use. Such accounts shall be clearly designated as "official capacity" accounts. Councilmembers are encouraged to include a disclaimer on their official capacity accounts in generally the following form: "Comments, opinions and similar such postings on this site are my own and do not necessarily represent the Town of Johnstown's positions, strategies or opinions."
- D. **How a Councilmember uses the account.** When engaging in official capacity use of social media, a Councilmember shall not:
  1. Claim to speak on behalf of the Town or the Town Council, unless authorized to do so by the Town Council;
  2. Post or publish;
    - a. Discriminating content on the basis of race, creed, color, age, religion, sex, marital status, sexual orientation, national origin, weight, height or genetic information;



- b. Degrading, obscene, defamatory, libelous, offensive, combative, harassing or demeaning comments;
  - c. Confidential, proprietary information or non-public information;
  - d. Personal information of any person without such person's consent;
  - e. Information that may tend to put at risk the safety and security of the public or public systems;
  - f. Solicitations of commerce except as part of Town-sponsored events or the promotion of businesses in the Town;
  - g. Comments supporting or opposing political campaigns or ballot questions, except for reporting resolutions approved by the Town Council;
  - h. Comments regarding legal proceedings or ongoing investigations or items that may be the subject of such in the future, except with the written authorization of the Town Attorney or Town Manager;
  - i. Threatening comments about or related to anyone;
  - j. Sexual content or links to sexual content;
  - k. Content that involves or encourage illegal activity; or
  - l. Material that is copyrighted or trademarked by third parties.
- 3. Engage in discussions or post content related to quasi-judicial matters;
  - 4. Restrict a person's ability to view or post comments on the account based in any way upon the viewpoint of that person's speech;
  - 5. Prevent persons from joining a public conversation on the social media account;
  - 6. Block or otherwise restrict access of any individual or group from viewing the account or responding to any post, except as such restrictions apply to all members of the public; or
  - 7. Except upon written authorization of the Town Attorney or the Town Manager, censor user comments, block users or delete posts.
- E. **Additional Requirements.** When engaging in official capacity use of social media, a Councilmember shall abide by the following requirements:
- 1. Avoid utilizing social media platforms that automatically delete content after a certain amount of time, such as Snapchat;
  - 2. Provide the Town access to official social media accounts not created by the Town for archival purposes only;
  - 3. Consider, at a Councilmember's discretion, avoiding social media platforms that are substantially political, polarizing or controversial in nature; and
  - 4. Understand the Terms of Service and any other policies established by social media websites.

## **V. Personal Use of Social Media**

- A. **Separate Accounts.** Any social media account established, operated, maintained or used by a Councilmember for personal use must be separate and distinct from any social media account established, operated, maintained or used by a Councilmember for official capacity purposes.

- B. How a Councilmember presents the account.** When establishing or creating a social media account for personal use, a Councilmember shall not:
1. Associate the account with such person's official position by, for example, including the Councilmember's official title in the account description or using a profile picture that shows the Councilmember acting in his or her official capacity;
  2. Refer to or identify the account as "official," or direct constituents or others to it in a way that suggests that the account is an extension of such Councilmember's office;
  3. Use the Town's official trademark or logo; or
  4. Use a Town-issued email address to register on social media.
- C. How a Councilmember uses the account.** When engaging in personal use of social media, a Councilmember shall not:
1. Communicate information about his or her official duties, solicit information from constituents or the general public related to those duties or make announcements about such Councilmember's official responsibilities or actions;
  2. Seek or encourage comments about what legislation the Councilmember should bring or support, or share any decisions the Councilmember made as a public official;
  3. Discuss items that will be or could be on the Town Council's agenda or encourage public discussion regarding Town matters;
  4. Speak as a representative of the Town or imply that the Councilmember's speech has been endorsed, approved or connected to the Town;
  5. Disclose or disseminate any Town proprietary or confidential information; or
  6. Disclose or disseminate any Town records or documents that are not publicly available or are protected against disclosure by law.
- D. Disclaimer.** A Councilmember may disclose that he or she holds the office of Mayor or Councilmember. When personal use of social media may reasonably be perceived as being related to the Town, the Councilmember is strongly encouraged to include a visible disclaimer on the account to inform other users that the opinions are his or her own and do not represent those of the Town. The disclaimer may read as follows: "Comments, opinions and similar such postings on this site are my own and do not necessarily represent the Town of Johnstown's positions, strategies or opinions."



# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Home Rule Charter Rules and Regulations Regarding Wards and Districts

**ATTACHMENTS:** 1. None

**PRESENTED BY:** Matt LeCerf, Town Manager

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### WORKSESSION ITEM DESCRIPTION:

The Johnstown Home Rule Charter was approved on November 7, 2006 and as amended from time to time includes a section related to the establishment of wards and district in Article 2, Section 2.1 titled Town Council. Section B of 2.1 reads as follows:

- B. The Town Council shall consist of six (6) Councilmembers nominated and elected from the Town at large, and a Mayor, who shall be nominated and elected from the Town at large. The Town Council may enact by ordinance for the nomination and election of six (6) Councilmembers from wards and districts; provided, however, the Mayor shall be elected at large. If and/or when the population of the Town reaches twenty thousand (20,000), the Town Council shall provide by ordinance, to be effective at the next general municipal election, for the election of six (6) Councilmembers to be nominated and elected by wards and districts, and a Mayor, who shall be nominated and elected from the Town at large.

While this may appear straight forward, there are many different sources that can be accessed to determine the population. The most widely accepted source is the using the decennial U.S. Census count which takes place every 10 years. This is the only official count recognized by Federal, State, & Local Governments. Following the decennial census count, political boundary districts are restructured and modified to balance accurate population census geographically.

In the 2020 census and based on a date of April 1, 2020 Johnstown's population was 17,326. This data was released around July 1, 2021. All other counts that occur between the official census counts are considered estimates and are not certified through the official census counting

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process. While there are various sources that may provide estimates from year to year, they do have variances within them and the method in which those counts are derived are not easily made clear without a significant amount of research and reading into their methodology. For example, in 2020 the following sources provide population numbers for Johnstown: U.S. Census, 17,326; the World Population Review, 17,356; Wikipedia 17,303; and Data USI USA, 14,357.

It is reasonable to predict that in 2030, during the next decennial census that the Town of Johnstown will eclipse the 20,000 mark and be obligated to establish wards and districts. While establishing the wards and districts can be achieved in a number of different ways, a recommended method and outline may look like the following described below. It is appropriate and recommended that Council establishes and memorialize a methodology for how this will be completed.

- Four Wards, Two Districts
  - City of Golden has this – Ward 1, District 1; Ward 2, District 1; Ward 3, District 2; and Ward 4, District 2.
- Establish a Commission
  - Led by outside consultant
  - Two Councilmembers
  - 2-4 citizen registered electors of the Town
- Hire an expert consultant to assist
  - Retain by Council (2030 budget year)
- Commission Initial Meeting
  - Assuming expectation that 2030 Census will show 20,000, Commission meets in 2030 and draws preliminary boundaries based on population
  - Commission meets within 30 days of census results to prepare final boundaries based on census block and block group population data
    - Town Attorney drafts ordinance and Town Manager places ordinance on agenda for Council approval setting the District boundaries.
- Election
  - If census results are finalized by October of 2031, then intent to have candidates for Wards and Districts in 2032 election
  - If census results are after October of 2031, next realistic election is likely 2034
- Candidates – Do we want to follow CRS section 31-10-302(2)(c):
  - *Each petition must be signed by registered electors in the following numbers:*
    - *(c) For a candidate in a town, at least ten registered electors residing within the town; and*
    - *(d) For a candidate from a ward within a town, at least ten registered electors residing in the candidate's ward.*
- Attempt to preserve subdivision boundaries and follow County lines
- After the first election, stagger elections so that:

- Not both Wards in a District at the same time
- Not both Districts at the same time

Staff welcomes the feedback from Town Council to establish and prepare an ordinance that would memorialize a fair, equitable, and preferred process.

***Reviewed and Approved for Presentation,***



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Town Manager



# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Council Attendance/Disciplinary Policy

**ATTACHMENTS:** N/A

**PRESENTED BY:** Avi Rocklin, Town Attorney

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**WORK SESSION DESCRIPTION:** Section 2.3 of the Home Rule Charter sets forth the qualifications of Mayor and Councilmembers and provides, in part:

- A. Each Councilmember and the Mayor shall be a citizen of the United States.
- B. Each Councilmember shall be a registered elector of the Town . . . .
- C. The Mayor shall be a registered elector of the Town . . . .
- D. No person who has been convicted of a felony or a willful violation of this Charter shall be qualified to serve as Mayor or Councilmember.
- E. *Town Council may, by ordinance, enact requirements and procedures to govern the Council-related activities of Councilmembers and the Mayor while in office, which ordinance may prescribe disciplinary procedures and consequences for violations of such requirements and procedures.*

The primary purpose of this discussion relates to Part E. above to commence a discussion regarding whether Council would like to adopt an ordinance setting forth requirements governing Council-related activities and prescribe disciplinary procedures and consequences for violations of such requirements.

At a minimum, many municipalities have attendance requirements. A sample of such requirements is set forth below.

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Fort Collins

## Section 18. Vacancies. [Charter]

(a) A vacancy exists when a Councilmember: . . . fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution.

Windsor

## 3.7 Vacancies [Charter]

A. A vacancy in the office of Mayor or Board Member shall exist if during the term of office the Mayor or a Board Member . . . has had more than three (3) unexcused absences from regular Town Board meetings during any period of twelve (12) consecutive calendar months. The date of the fourth unexcused absence shall be determined to be the date on which the office was vacated. Any absence from a regular meeting shall be considered unexcused only if the Town Board so determines by a motion, setting forth the reasons for the determination.

Arvada

4.6. Vacancies. A Councilmember shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the City Council without being excused by the City Council.

Louisville

## Sec. 2.02.050. - Vacancies.

A. A vacancy shall exist if, during the term of office, the mayor or a councilmember . . . has had more than six absences from regular council meetings during any period of 12 consecutive calendar months. The date of the seventh absence shall be deemed to be the date on which the office was vacated.

Boulder

## Sec. 8. Vacancies.

A vacancy shall exist whenever a duly elected mayor or council member . . . is absent from five consecutive regular meetings of the council unless formally excused therefrom . . .

Gypsum

## Section 4.2 – Removal.

If the Mayor or a member of the Council misses more than three consecutive meetings, he may be removed from his position by a vote of at least two-thirds of the Council, after notice and hearing.

Town of Oak Creek

Set forth in a policy.

10.1 Attendance. All members of the Town Board shall attend all meetings of the Town Board and shall not be excused from attending, except by majority consent of the Town Board.

10.1.1 A member of the Town Board shall not leave the meeting facility while the board meeting is in progress, unless excused by the presiding officer.

10.1.2 Two consecutive, unexcused absences, of a board member, from meetings, may be cause for dismissal from the Board.

Milliken

Set forth by Resolution 20-05. A Board member’s attendance at all regular meetings and work sessions should meet or exceed 80% on a revolving basis or the Board may commence proceedings pursuant to C.R.S. § 31-4-307 to remove such Board member.

PROPOSAL: As you may note, the attendance standards vary significantly among municipalities. A proposal for the Town for discussion during the work session is to require that Councilmembers attend 70% of all regular meetings during a rolling 12-month period. If a Councilmember attends less than 70% of the regular meetings, then the Councilmember’s seat would be deemed vacant. A new councilmember would start with a 100% attendance threshold to protect such Councilmember early in their tenure. The only exceptions would be: (i) hospitalization of the Councilmember; (ii) death of a family member; or (iii) involuntary military service. This proposal creates an *objective* standard, omitting discretion and the ability of Council to be challenged for vacating a seat. Staff understands and believes that all the current Councilmembers meet the 70% threshold.

***Reviewed and Approved for Presentation,***



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Town Manager