

ORDINANCE NO. O-024-XXX

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE TO LIMIT THE UNLOADING OF COMMERCIALY
TRANSPORTED PASSENGERS IN UNINCORPORATED DOUGLAS COUNTY,
COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, (“Board”) is authorized to enact this Ordinance pursuant to C.R.S. § 30-11-101(2), to provide for public health, safety, and welfare.

WHEREAS, the Board finds that the purpose and intent of this Ordinance is to provide for the safe transportation of commercial passengers through Douglas County, Colorado (the “County”).

WHEREAS, the Board acknowledges the unloading of commercial passengers in unplanned locations, other than a planned, set, and scheduled destination creates a dangerous situation for the unloaded commercial passengers, and is detrimental to the health, safety, and welfare of the community where the commercial passengers are unloaded.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, THAT:

THIS ORDINANCE REPEALS AND REPLACES, DOUGLAS COUNTY, COLORADO ORDINANCE NO. O-024-001.

PART I: LIMITATION ON UNLOADING OF COMMERCIAL PASSENGERS

Section 1. Prohibition on Unloading Passengers in an Undocumented Destination

- (A.) The driver of a commercial passenger vehicle shall not stop such vehicle in the restricted area for the purpose of unloading passengers other than at a planned and scheduled documented destination.
1. For the purpose of Section 1 of this Ordinance, “commercial passenger vehicle” means any vehicle where payment is made, received, or promised for the transportation of any person, including buses, vans, and trucks. For the purpose of Section 1 of this Ordinance, “commercial passenger vehicle” does not include vehicles rented or leased by the driver, e.g. rental cars; vehicles operated by the Regional Transportation District or any government body of the State of Colorado; ride-sharing services; or taxi cabs.
 2. For the purpose of Section 1 of this Ordinance, “scheduled documented destination” means a preplanned destination or stop on a planned route to a

destination that can be demonstrated by a departure and arrival schedule, passenger ticket, receipt, or other publicly available document depicting the location where passengers are planned to unload.

- (a) The driver of a commercial passenger vehicle unloading passengers in the County shall maintain documentation on his or her person sufficient to demonstrate passengers are unloading at a scheduled documented destination. Failure of a driver of a commercial passenger vehicle to possess such documentation at the time of passenger unloading is a *per se* violation of this Ordinance.
- 3. For the purpose of Section 1 of this Ordinance, “restricted area” means all portions of unincorporated Douglas County, Colorado and those portions of incorporated Douglas County where the local government has conferred authority and jurisdiction to the Douglas County Sheriff’s Office to enforce this Ordinance by agreement, contract, or other legal written instrument.
- 4. In the event an emergency requires an unplanned unloading of passengers, the driver of a commercial passenger vehicle shall contact emergency services and the driver and all passengers shall remain as near the vehicle as safety permits.

Section 2. Violation

- (A.) Any person who violates any Section of this Ordinance commits a civil infraction as defined under C.R.S. §30-15-402(1) and upon conviction thereof, shall be punished by a fine of not more than \$1,000 for each separate violation of this Ordinance, plus a surcharge of \$10 under C.R.S. §30-15-402(2).
- (B.) Each passenger unloaded in an undocumented location shall constitute a separate violation.
- (C.) Any motor vehicle used in violation of this Ordinance shall be deemed a public nuisance subject to action to abate a public nuisance.
 - 1. Any motor vehicle used in violation of this Ordinance shall be deemed a Class 3 public nuisance pursuant to C.R.S. §16-13-305(i)(f)(II) and subject to action to abate a public nuisance as provided by judicial relief pursuant to C.R.S. §16-13-309, including removal.
 - 2. Any motor vehicle used in violation of this Ordinance and is also used for the illegal transportation of any person or the commission of a felony shall be deemed a Class 1 public nuisance pursuant to C.R.S. §16-13-303 and subject to action to abate a public nuisance including seizure and holding to the extent permitted by Colorado law.

- (D.) The County shall provide a citation to the driver and notice to the owner of any vehicle seized.

Section 3. Enforcement

- (A.) The Douglas County Sheriff shall be responsible for the enforcement of this Ordinance.

PART II: ADMINISTRATION

Section 1. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 2. Safety Clause

The Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

Section 3. Application and Repeal

This Ordinance is intended to be applied in conjunction with other applicable laws, not repeal or supersede other applicable laws. This Ordinance repeals and supersedes only those parts of any other Douglas County ordinance that this Ordinance expressly repeals by statement herein, contradicts, and directly prohibits the application and enforcement of this Ordinance. In application of this Section, this Ordinance and all related ordinances shall be narrowly construed in their application.

Section 4. Adoption and Passage of this Ordinance

Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically presented for review and comment on First Reading at a Board of County Commissioners Business Meeting.

Subsequently, after notice has been provided in the newspaper, the Board of County Commissioners will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. This Ordinance is adopted as an “emergency ordinance,” the ordinance will take effect immediately following adoption at Second and Final Reading. **CERTIFICATION**

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED AND READ ON FIRST READING on July XX, 2024, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on July XX, 2024, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-024-XXX was introduced and read on First Reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXXX XX, 2024, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXXX XX, 2024, and thereafter was adopted on Second and Final Reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXXX XX, 2024. Said ordinance was published by reference to title only on , 2024. Said ordinance shall become effective as of , 2024.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this ____ day of _____, 2023, by _____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-024-XXX, entitled, **AN ORDINANCE TO LIMIT THE UNLOADING OF COMMERCIALY TRANSPORTED PASSENGERS IN UNINCORPORATED DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk