



**BOARD OF COUNTY COMMISSIONERS LAND USE  
MEETING/PUBLIC HEARING**

**TUESDAY, APRIL 2, 2024**

**AGENDA**

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**Tuesday, April 2, 2024**

**2:30 PM**

**Hearing Room**

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**SPECIAL PUBLIC HEARING**

**2:30 PM**

**1. Call to Order**

- a. Pledge of Allegiance
- b. Attorney Certification of Agenda
- c. Commissioners Disclosure for Items on This Agenda

**2. Public Hearing Agenda Items**

- a. The Second and Final Reading of Ordinance No. O-024-001, to Limit the Unloading of Commercially Transported Passengers in Unincorporated Douglas County, Colorado.  
Jeffrey Garcia, County Attorney — *County Attorney*

**Attachments:**     [38e84473-ab24-49d2-a1eb-ba232374af66](https://www.douglas.co.us/government/commissioners/meetings-and-agendas/38e84473-ab24-49d2-a1eb-ba232374af66)

**3. Adjournment**

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**MEETING DATE:** April 2, 2024

**STAFF PERSON  
RESPONSIBLE:** Jeffrey Garcia, County Attorney

**DESCRIPTION:** The Second and Final Reading of Ordinance No. O-024-001, to Limit the Unloading of Commercially Transported Passengers in Unincorporated Douglas County, Colorado.

**SUMMARY:** The Board of County Commissioners is enacting the Ordinance to limit the unloading of commercially transported passengers in unincorporated Douglas County, Colorado.

**RECOMMENDED  
ACTION:** Approval of Ordinance.

**REVIEW:**

Jeff Garcia	Approve	3/27/2024
Andrew Copland	Approve	3/28/2024
Doug DeBord	Approve	3/28/2024

**ATTACHMENTS:**

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**ORDINANCE NO. O-024-001**

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

**AN ORDINANCE TO LIMIT THE UNLOADING OF COMMERCIALLY  
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 danger 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:

**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 unincorporated Douglas County, Colorado 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. 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 instance of unloading passengers 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 expressly 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. If adopted as an “emergency ordinance,” the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after 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 March 12, 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 March 26, 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-024-001 was introduced and read on First Reading at the regular meeting of the Board of County Commissions of the County of Douglas on March 12, 2024, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on , 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 March 26, 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-024-001, 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