

STATE OF COLORADO)
)ss.
COUNTY OF KIT CARSON)

At a regular meeting of the Board of County Commissioners for Kit Carson County, Colorado, held at the Court House in Burlington on Wednesday the 24th day of April, 2024, there were present:

David L. Hornung.....Chairman
Cory Wall.....Commissioner
Stan HitchcockCommissioner
Theresa Korbelik..... Administrator
Susan Corliss..... County Clerk

when the following proceedings, among others, were had and done, to-wit:

A RESOLUTION TO LIMIT THE UNLOADING OF COMMERCIALY TRANSPORTED PASSENGERS IN UNINCORPORATED KIT CARSON COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Kit Carson, Colorado, (“Board”) is authorized to enact the Resolution 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 Resolution is to provide for the safe transportation of commercial passengers through Kit Carson 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 RESOLVED BY THE BOARD OF COUNTY COMMISISONERS OF KIT CARSON COUNTY, COLORADO, THAT:

PART I: Prohibition on Unloading Passengers in an Undocumented Destination

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 Kit Carson 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 the Resolution, “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 Resolution, “commercial passenger vehicle” does not include vehicles rented or leased by the driver, e.g. rental cars; vehicles operated by any government body of the State of Colorado; ride-sharing services; or taxi cabs.

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2. For the purpose of Section 1 of this Resolution, "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 the Resolution.
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 Resolution 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 Resolution, plus 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 Resolution shall be deemed a public nuisance subject to action to abate a public nuisance.
 1. Any motor vehicle used in violation of this Resolution shall be deemed a Class 3 public nuisance pursuant to C.R.S. 16-13-305(1)(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 Resolution 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 Kit Carson County Sheriff shall be responsible for the enforcement of this Resolution.

PART II: ADMINISTRATION

Section 1. Severability

Should any section, clause, sentence, or part of this Resolution be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the Resolution 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 Resolution is necessary for the preservation of the public welfare, health, and safety.

Section 3. Application and Repeal

This Resolution is intended to be applied in conjunction with other applicable laws, not as a repeal or to supersede other applicable laws. This Resolution repeals and supersedes only those parts of any other Kit Carson County resolution that expressly contradicts and directly prohibits the application and enforcement of this Resolution. In application of this Section, this Resolution and all related resolutions shall be narrowly construed in their application.

DONE THIS 24th day of April, 2024 at Burlington, Colorado.

Motion made by Cory Wall, seconded by Stan Hitchcock

Motion carried by unanimous vote of Dave Hornung.

Board of County Commissioners



By: [Signature]
David L. Hornung, Chairman

By: [Signature]
Stan Hitchcock, Commissioner

By: [Signature]
Cory Wall, Commissioner

STATE OF COLORADO)
) ss.
COUNTY OF KIT CARSON)

I, Susan Corliss, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Kit Carson County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County at Burlington, this 24th day of April, 2024.

ATTEST: [Signature]
Susan Corliss, County Clerk & Recorder