

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING SECTION 203 (APPLICATION FOR LICENSE; BOND AND INSURANCE REQUIREMENTS; SUSPENSION OR REVOCATION) OF PART 2 (EXCAVATIONS) OF ARTICLE 3 (STREETS AND PUBLIC WAYS) OF CHAPTER 3 (PUBLIC PROPERTY AND PUBLIC WORKS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO EXCAVATION LICENSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 203 (Application for License; Bond and Insurance Requirements; Suspension or Revocation) of Part 2 (Excavations) of Article 3 (Streets and Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

3.3.203: APPLICATION FOR LICENSE; **FEES; TERM;** BOND AND INSURANCE REQUIREMENTS; SUSPENSION OR REVOCATION:

A. Requirements: Any person desiring an ~~excavator's~~ **excavation** license shall ~~apply to the Deputy Licensing Officer in the Office of~~ **submit an application on forms provided by the City Clerk's Office in accord with the City's General Licensing Code. All applications for an excavation license shall contain those matters required by section 2.1.403 of the City Code.** ~~The written application shall state the name, address and principal place of business of the applicant.~~ The license shall be issued by the City Clerk upon payment of ~~the~~ **all application and license fees** and compliance with the provisions of this part **and the General Licensing Code. Fees for excavation licenses shall be as established by City Council under article 1, part 5 of chapter 2.** All ~~excavator's~~ **excavation** licenses issued shall, unless sooner suspended or revoked, expire ~~on June 30 of each~~ **one** year **from the date of issuance.** A license may be renewed no later than thirty

(30) days after the expiration upon payment **of the required fees**. The City Clerk shall keep a record of all licenses issued.

* * *

C. Proof Of Insurance: No ~~revocable permit~~ **license** shall be issued **or renewed** until the applicant furnishes evidence of current commercial general liability insurance. The following insurance coverage shall require limits not less than those specified in the name of the licensee ~~with the City named as an additional insured:~~

~~Five hundred thousand~~ **One million** dollars (\$~~500,000.00~~**1,000,000.00**) combined single limit for bodily injury and property damage for each occurrence ~~or claim made with an aggregate of one million dollars (\$1,000,000.00).~~

D. Reduction Or Cancellation Of Policy; Notification Required; Suspension: Each **insurance** policy **required** ~~of insurance shall require the insurance carrier to notify the excavation engineer at least thirty (30) days in advance of the effective date of any reduction or cancellation of the policy.~~ **not be reduced, suspended, voided or canceled except after prior written notice has been given to the City. Such notice shall be sent directly to the Deputy Licensing Officer, City Clerk's Office, 30 S. Nevada Ave., Ste. 101, Colorado Springs, CO 80903. If any insurance company refuses to provide the required notice, the licensee or its insurance broker shall notify the City of any reduction, suspension, voiding, cancellation, or non-renewal of any insurance upon receipt of an insurer's notification to that effect.** The **suspension, voiding, non-renewal,** cancellation or reduction of insurance coverage shall be cause for automatic suspension of the ~~permit~~ **license** until the coverage shall be reinstated. All policies shall be kept in force **and effect** for the ~~period~~ **term** of the ~~permit~~ **license**.

E. * * *

2. In addition to any other remedies or actions permitted by law, the Deputy Licensing Officer may issue cease and desist orders or initiate license suspension or revocation proceedings **under the provisions of chapter 2, article 1, part 8 of the City Code** against any excavator for a violation of the provisions of this chapter or of the City's General Licensing Code.

Section 2. This ordinance shall be in full force and effect as of January 1, 2015, and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2014.

Finally passed: _____
Keith King, Council President

Delivered to Mayor on _____.

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Steve Bach, Mayor

Council Action After Disapproval:

- Council action on _____ failed to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk