

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING PART 10 (TAXICABS) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO TAXICAB LICENSES

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

Section 1. Section 1003 (License Required; Expiration; Transferability; Fees) of Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

2.3.1003: LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES:

* * *

B. All licenses issued under this part shall expire ~~January 31 of the~~ **one** year following **from the date of** issuance, **unless suspended or revoked earlier.**

* * *

D. ~~All license, renewal, change of employer and other f~~ Fees related to this part shall be as established by the City **Council under article 1, part 5 of this chapter.**

Section 2. Section 1004 (Qualifications of Applicants) of Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor

Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

2.3.1004: QUALIFICATIONS OF APPLICANTS:

* * *

B. Each applicant must possess a valid Colorado ~~class C~~ driver's license.

C. Each applicant must ~~provide a report of a physical examination conducted by a person licensed to practice medicine by the State of Colorado. The report must demonstrate that the applicant is~~ **be** of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render the applicant unfit for the safe operation of a taxicab. ~~A report of physical examination submitted with an initial application shall remain valid during the initial licensing period and one subsequent renewal period. No further examination need be submitted unless required by the Deputy Licensing Officer.~~

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Section 3. Section 1005 (Contents of Applications) of Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

2.3.1005: CONTENTS OF APPLICATIONS:

In addition to those matters ~~generally~~ required by section 2.1.403 of this chapter, all applications for a taxicab license shall contain the following:

A. ~~Full name, and any aliases.~~

BA. ~~Present residence and a~~ All previous residences **addresses** for a period of five (5) years prior to moving to the present residence.

C. ~~Age, date, place of birth and social security number.~~

D. ~~Race and gender.~~

~~E. Height and weight.~~

~~F. Color of eyes and hair.~~

~~GB. * * *~~

~~HC. * * *~~

~~ID. * * *~~

~~JE. * * *~~

~~K. Three (3) photographs of the applicant each showing the applicant's full face taken within three (3) months of the date of the application. One photograph shall be attached to the license when and if issued, one shall be attached to the identification card to be issued under this part, and one to be filed with the application by the Deputy Licensing Officer.~~

~~L. Two (2) classifiable sets of fingerprints.~~

~~M. A release statement signed by the applicant allowing the City to check all known records and review any pertinent criminal record.~~

Section 4. Section 1006 (Examination and Investigation of Applicants) of Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

2.3.1006: EXAMINATION AND INVESTIGATION OF APPLICANTS; **RENEWAL:**

* * *

C. The Deputy Licensing Officer may refuse to issue **or renew** a license ~~to~~ **for** any applicant who, ~~either as an adult or as a juvenile, has been convicted or adjudicated as guilty of a felony or has been an inmate of any correctional institution or penitentiary as a result of being convicted or adjudicated as guilty of a felony. In considering whether to issue a license the Deputy Licensing Officer shall take into account the pertinent circumstances connected with the felony conviction, including, but not limited to, the type of offense and the date of conviction, in determining whether the applicant is a person of good moral~~

~~character at the time of application and may be entrusted with the responsibility of transporting members of the public in a taxicab.:~~

- 1. Is not of good moral character because the applicant or licensee:**
 - a. Has been convicted or adjudicated guilty in this State at any time of any class 1 or 2 felony under Title 18, C.R.S.;**
 - b. Has been convicted or adjudicated guilty in this State, within the ten (10) years preceding the date of the application, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;**
 - c. Has been convicted or adjudicated guilty in this State, within the eight (8) years preceding the date of the application, of any class 3 felony under Title 18, C.R.S.;**
 - d. Has been convicted or adjudicated guilty in this State, within the four (4) years preceding the date of the application, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or**
 - e. Has been convicted or adjudicated guilty of an offense in any other state or in the United States that is comparable to any offense listed in subsections (a) through (d) above within the same time periods as listed in subsections (a) through (d) above.**
- 2. Has been convicted or adjudicated guilty in this State at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;**
- 3. Has been convicted or adjudicated guilty in this State, within the two (2) years preceding the date of the application, of driving under the influence, driving with excessive alcoholic content, driving while ability impaired, or driving while an habitual user of a controlled substance, as defined in Title 42, C.R.S., or of a comparable offense in any other state or in the United States within the same time period; or**
- 4. Has been convicted or adjudicated guilty for repeated moving traffic violations occurring during the three (3) years immediately prior to the date of the application. For the purposes of this subsection: (1) "moving traffic violation" shall include any traffic offense, whether committed within this State or in any other state, for which penalty points could have been assessed against the applicant's driving privilege by the Colorado Department of Revenue had the offense been committed in this State; (2) "repeated" shall mean conviction or an adjudication of guilty of**

three (3) or more moving traffic violations during the three (3) year period prior to the date of application, conviction or adjudication of guilt of any one or more moving traffic violations which, either alone or together, would have been sufficient to warrant the suspension of the applicant's driving privilege in the State of Colorado, or conviction or adjudication of guilty of any offense involving the operation of a motor vehicle while under the influence of or while the applicant's ability was impaired by either alcohol, drugs or any other intoxicant.

~~D. The Deputy Licensing Officer may refuse to issue a license to any applicant whose criminal history shows convictions or adjudications of guilt of misdemeanor or petty offenses, other than traffic offenses, which involved alcohol, drugs or weapons or other violations which indicate the applicant should not be entrusted with the responsibility of transporting members of the public in a taxicab.~~

~~E. In the event the Deputy Licensing Officer takes into consideration information concerning the applicant's criminal history record, including the traffic record, the Deputy Licensing Officer shall also consider any information provided by the applicant regarding the criminal history record, including, but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.~~

D.F. The applicant for a renewal license shall, in addition to any other renewal requirements set forth in this General Licensing Code, ~~be required to obtain and provide~~ **submit to** the Deputy Licensing Officer a current copy of the applicant's motor vehicle record maintained by the Colorado Department of Motor Vehicles.

~~G. The Deputy Licensing Officer may refuse to issue a license to any applicant whose traffic record shows convictions for repeated moving traffic violations occurring during the three (3) years immediately prior to the date of license application. For the purposes of this section: 1) "moving traffic violation" shall include any traffic offense, whether committed within the State of Colorado or elsewhere, for which penalty points could have been assessed against the applicant's driving privilege by the Colorado Department of Revenue had the offense been committed in Colorado; 2) "repeated" shall mean conviction or an adjudication of guilty of three (3) or more moving traffic violations during the three (3) year period prior to the date of application, conviction or adjudication of guilt of any one or more moving traffic violations which, either alone or together, would have been sufficient to warrant the suspension of the applicant's driving privilege in the State of Colorado, or conviction or adjudication of guilty of any offense involving the operation of a~~

~~motor vehicle while under the influence of or while the applicant's ability was impaired by either alcohol, drugs or any other intoxicant.~~

Section 5. 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 6. 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