

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING PART 3 (TREE SERVICE) 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 TREE SERVICE LICENSES

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

Section 1. Section 301 (Definitions) of Part 3 (Tree Service) 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:

2.3.301: DEFINITIONS:

CITY FORESTER: The ~~forestry~~ professional **forester** ~~designated~~ **appointed** by the Manager to manage the City's urban forest **and supervise the City's professional forestry and arboricultural staff**, or the **City** Forester's ~~designee~~ **designated representative**.

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MANAGER: ~~That~~ **The** person, **appointed by and reporting directly to the Mayor**, charged with administrative responsibility for ~~and supervision of parks, park land, open space, trails, forestry, facilities and sports and recreational programs~~ **and cultural services**, or the Manager's ~~designee~~ **designated representative**.

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Section 2. Section 302 (License Required) of Part 3 (Tree Service) 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:

2.3.302: LICENSE REQUIRED; **FEES; TERM:**

* * *

D. * * *

1. Fees shall be ~~charged~~ as established by ~~the~~ City **Council under article 1, part 5 of this chapter; and**

2. Every license shall ~~expire on December 31 of each~~ **one year from the date of issuance, unless suspended or revoked earlier.**

Section 3. A new Section 303 (Classes of Licenses) of Part 3 (Tree Service) 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 added to read as follows:

2.3.303: CLASSES OF LICENSES:

A. General. A general tree service business license shall authorize the licensee to cut, train, prune, shape or remove trees for hire from or above the ground through climbing, use of an aerial lift, or a ladder exceeding the height of twelve (12) feet.

B. Limited. A limited tree service business license shall authorize the licensee to cut, train, prune, shape or remove trees for hire from the ground only except by use of a ladder not exceeding the height of twelve (12) feet.

Section 4. Former Section 303 (Examination by City Forester) of Part 3 (Tree Service) 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:

2.3.3034: EXAMINATION BY CITY FORESTER:

A. Legislative Declaration: Colorado Springs is proud of its arboricultural heritage and annual Tree City-USA designation. City Council hereby finds that the general health, safety and welfare of the citizens and the urban forest is dependent upon the professional skill and knowledge of tree service business and line clearance licensees. As a matter of public policy, it is imperative that every licensee employ a licensed representative whose competency be tested **or deemed acceptable** by the City Forester.

B. Examination: The Deputy Licensing Officer shall forward each application for a tree service license to the City Forester for examination. A license examination packet shall be made available to each applicant ~~for a fee~~. The City Forester shall examine the licensed representative either orally or in writing, or both, covering the licensed representative's qualifications and competence to exercise the privileges of the license. The City Forester shall also require a demonstration of actual practical ability and competence.

C. Waiver: The City Forester may waive any or all of the examination requirements upon the applicant's submission of documentation verifying that the licensed representative is a certified arborist or tree worker of the International Society of Arboriculture or any successor organization.

Section 5. Former Sections 304 (Insurance Required), 305 (Information on Vehicles), 306 (Rules and Regulations), and 307 (Penalties) of Part 3 (Tree Service) 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, are hereby amended to read as follows:

2.3.3045: INSURANCE REQUIRED:

A. No tree service license application shall be accepted nor examination conducted until the applicant provides a certificate of insurance showing ~~comprehensive~~ **commercial** general liability coverage in the amount of ~~five hundred thousand~~ **one million** dollars (~~\$500,000.00~~**1,000,000.00**) or more combined single limit for bodily injury and property damage ~~for a general tree service business license~~. **Coverage shall include blanket contractual, broad form property damage, products and completed operations endorsements.**

Coverage shall be required in the name of the licensee ~~with the City also named as insured.~~

B. No license shall be issued until the applicant provides a certificate of workers' compensation and employers' liability insurance as required by statute. Employers' liability coverage is to be carried for a minimum limit of one hundred thousand dollars (\$100,000.00).

~~BC. Each insurance policy required policy of insurance shall contain an endorsement to the effect that the insurance carrier must notify the Deputy Licensing Officer 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 shall be cause for automatic suspension of the license until coverage is reinstated. All policies shall be kept in force **and effect** for the ~~period~~ **term** of the license.

~~CD.~~ * * *

~~D. No license shall be issued until the applicant for the license files with the City Clerk's Office a certificate of workers' compensation insurance satisfying the statutes of the State of Colorado and which cannot be cancelled without thirty (30) days' notice to the City Clerk's Office. Should the City Clerk's Office receive notice of proposed cancellation, the Deputy Licensing Officer shall notify the licensee that the license will be suspended unless the licensee can provide proof to the Deputy Licensing Officer within fifteen (15) days that an appropriate insurance policy as required by this section has been obtained to replace the policy being cancelled. The license shall not be reinstated until the licensee provides proof satisfactory to the Deputy Licensing Officer that the licensee has obtained adequate insurance.~~

~~2.3.3056:~~ * * *

~~2.3.3067:~~ * * *

~~2.3.3078:~~ * * *

Section 6. 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 7. 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