

ORDINANCE NO. 14-40

AN ORDINANCE AMENDING SECTION 101 (LICENSE REQUIRED, FEE) OF PART 1 (CIRCUSES, CARNIVALS AND MENAGERIES), SECTION 201 (LICENSE REQUIRED) OF PART 2 (BILLIARD AND POOL TABLES), SECTION 302 (LICENSE REQUIRED) OF PART 3 (COIN-OPERATED MACHINES), AND SECTION 402 (LICENSE REQUIRED; FEE) OF PART 4 (GAME ROOMS) OF ARTICLE 2 (AMUSEMENTS); SECTION 203 (LICENSE REQUIRED; EXEMPTIONS; TRANSFERABILITY) AND SECTION 216 (UNLAWFUL ACTS; VIOLATIONS; PENALTY) OF PART 2 (PRIVATE SECURITY SERVICES), SECTION 302 (LICENSE REQUIRED) AND SECTION 307 (PENALTIES) OF PART 3 (TREE SERVICE), SECTION 403 (LICENSE REQUIRED; EXEMPTIONS) OF PART 4 (ALARM LICENSES AND REGISTRATION), SECTION 502 (LICENSE REQUIRED; EXCEPTION; TRANSFER) OF PART 5 (ASH, GARBAGE, REFUSE, TRASH AND RUBBISH HAULERS), SECTION 602 (LICENSES REQUIRED) AND SECTION 610 (UNLAWFUL ACTS; VIOLATIONS) OF PART 6 (ESCORT SERVICES), SECTION 702 (LICENSE REQUIRED; FEE; TERM) OF PART 7 (PEDDLERS OF FOOD WARES), SECTION 803 (LICENSE REQUIRED; FEE; TERM) AND SECTION 811 (PENALTY) OF PART 8 (PAWNBROKERS), SECTION 903 (LICENSE REQUIRED; RENEWAL; FEES) OF PART 9 (GOING-OUT-OF-BUSINESS-SALES), SECTION 1003 (LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES) OF PART 10 (TAXICABS), AND SECTION 1103 (LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES) OF PART 11 (FUNERAL ESCORTS) OF ARTICLE 3 (SALES OF GOODS AND SERVICES); AND SECTION 104 (LICENSE REQUIRED) OF ARTICLE 4 (SEXUALLY ORIENTED BUSINESSES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) AND SECTION 202 (EXCAVATION LICENSE REQUIRED) OF PART 2 (EXCAVATIONS), SECTION 401 (LICENSE REQUIRED; FEE) OF PART 4 (PRIVATE SNOW REMOVAL ACTIVITIES ON PUBLIC STREETS), AND SECTION 501 (LICENSE REQUIRED) OF PART 5 (CONCRETE CONTRACTORS) 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 PENALTIES
FOR FAILING TO OBTAIN REQUIRED BUSINESS LICENSES

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

Section 1. Section 101 (License Required, Fee) of Part 1 (Circuses,
Carnivals and Menageries) of Article 2 (Amusements) of Chapter 2 (Business
Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado
Springs 2001, as amended, is amended to read as follows:

2.2.101: LICENSE REQUIRED, FEE: It shall be unlawful for any person to conduct
or operate or permit to be conducted or operated any circus, or menagerie
within the City without first obtaining a license. The license fee shall be as
established by the City. **Upon conviction of a violation of this section, the penalty
shall be a fine of twenty dollars (\$20.00). The general penalty provision of this
Code shall not apply to any conviction of a violation of this section.**

Section 2. Section 201 (License Required) of Part 2 (Billiard and Pool
Tables) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor
Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as
amended, is amended to read as follows:

2.2.201: LICENSE REQUIRED: It shall be unlawful for any person to keep within the
City for gain or profit, any billiard table, pool table or bagatelle, without first
obtaining a license. Coin-operated tables shall be licensed as provided in part 3
of this article. **Upon conviction of a violation of this section, the penalty shall be a
fine of twenty dollars (\$20.00). The general penalty provision of this Code shall
not apply to any conviction of a violation of this section.**

Section 3. Section 302 (License Required) of Part 3 (Coin-Operated
Machines) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor
Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as
amended, is amended to read as follows:

2.2.302: LICENSE REQUIRED: It shall be unlawful for any person to permit any coin-operated amusement device or coin-operated musical device to be used by the public or to make the device available for use by the public within the City unless a nonoperator's license or an operator's license is first obtained from the Licensing Officer. The fees for these licenses shall be as established by the City. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

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Section 4. Section 402 (License Required; Fee) of Part 4 (Game Rooms) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.2.402: LICENSE REQUIRED; FEE: It shall be unlawful for any person to operate a game room within the City without first obtaining a license. The fee for the license shall be as established by the City. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

Section 5. Section 203 (License Required; Exemptions; Transferability) of Part 2 (Private Security Services) 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 amended to read as follows:

2.3.203: LICENSE REQUIRED; EXEMPTIONS; TRANSFERABILITY:

A. No person shall operate a contract security agency or act as a private security officer within the City limits without first obtaining a license. **Upon conviction of a violation of this subsection 2.3.203A, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.3.203A.**

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Section 6. Section 216 (Unlawful Acts; Violations; Penalty) of Part 2 (Private Security Services) 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 amended to read as follows:

2.3.216: UNLAWFUL ACTS; VIOLATIONS; PENALTY:

A. License Required: No person shall operate a contract security agency or act as a private security officer unless licensed. **Upon conviction of a violation of this subsection 2.3.216A, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.3.216A.**

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Section 7. 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 amended to read as follows:

2.3.302: LICENSE REQUIRED:

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B. It shall be unlawful for any person, either directly or indirectly through an agent or employee, to cut, train, prune, shape or remove trees for hire or agree to cut, train, prune, shape or remove trees for hire within the City without first obtaining a tree service business license. A tree service business license shall not be required for any preconstruction removal of trees more than two hundred feet (200') from the nearest structure. **Upon conviction of a violation of this subsection 2.3.302B, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.3.302B.**

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Section 8. Section 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, is amended to read as follows:

2.3.307: PENALTIES

A. First Conviction: Upon first conviction of a violation of any provision of this part **except for subsection 2.3.302B**, the penalty shall be a fine of not more than five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00).

B. Second Conviction: Upon a second conviction of a violation of any provision of this part **except for subsection 2.3.302B**, the penalty shall be a fine of not more than five hundred dollars (\$500.00), nor less than two hundred fifty dollars (\$250.00), or imprisonment in jail for a period of not more than ninety (90) days, or both.

C. Third And Subsequent Convictions: Upon a third or subsequent conviction of a violation of any provision of this part **except for subsection 2.3.302B**, the penalty shall be a fine of not more than five hundred dollars (\$500.00), nor less than three hundred fifty dollars (\$350.00) or imprisonment in jail for a period of not more than ninety (90) days, or both.

* * *

Section 9. Section 403 (License Required; Exemptions) of Part 4 (Alarm Licenses and Registration) 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 amended to read as follows:

2.3.403: LICENSE REQUIRED; EXEMPTIONS:

A. It shall be unlawful to operate an alarm company within the City without first obtaining a license. **Upon conviction of a violation of this subsection 2.3.403A, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.3.403A.**

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Section 10. Section 502 (License Required; Exception; Transfer) of Part 5 (Ash, Garbage, Refuse, Trash and Rubbish Haulers) 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 amended to read as follows:

2.3.502: LICENSE REQUIRED; EXCEPTION; TRANSFER:

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C. Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 11. Section 602 (Licenses Required) of Part 6 (Escort Services) 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 amended to read as follows:

2.3.602: LICENSES REQUIRED:

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E. Upon conviction of a violation of this section, the penalty shall be a fine of fifty percent (50%) of the amount of the license fee. The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 12. Section 610 (Unlawful Acts; Violations) of Part 6 (Escort Services) 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 amended to read as follows:

2.3.610: UNLAWFUL ACTS; VIOLATIONS:

A. For purposes of this section, it shall be unlawful for any person:

1. To work as an escort or escort service runner without first obtaining and possessing a valid photographic identity card and license. **Upon conviction of a violation of this subsection 2.3.610A1, the penalty shall be a fine of fifty**

percent (50%) of the amount of the license fee. The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.3.610A1.

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Section 13. Section 702 (License Required; Fee; Term) of Part 7 (Peddlers of Food Wares) 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 amended to read as follows:

2.3.702: LICENSE REQUIRED; FEE; TERM: It shall be unlawful for any person to peddle foodstuffs within the City without first obtaining a license. The license fee for peddling foodstuffs shall be as established by the City and shall expire on December 31 of each year. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

Section 14. Section 803 (License Required; Fee; Term) of Part 8 (Pawnbrokers) 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 amended to read as follows:

2.3.803: LICENSE REQUIRED; FEE; TERM: It shall be unlawful for any person to do business as a pawnbroker within the City without first obtaining a license. The fee for the license shall be as established by the City. All pawnbrokers' licenses shall expire on December 31 of each year. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

Section 15. Section 811 (Penalty) of Part 8 (Pawnbrokers) 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 amended to read as follows:

2.3.811: PENALTY: Excepting those acts which are specifically defined as violations of State law **or which violate section 2.3.803 above**, the criminal penalty for any violation of this part shall be as stated in chapter 1 of this Code.

Section 16. Section 903 (License Required; Renewal; Fees) of Part 9 (Going-Out-Of-Business-Sales) 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 amended to read as follows:

2.3.903: LICENSE REQUIRED; RENEWAL; FEES:

* * *

E. Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 17. 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 amended to read as follows:

2.3.1003: LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES:

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E. Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 18. Section 1103 (License Required; Expiration; Transferability; Fees) of Part 11 (Funeral Escorts) 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 amended to read as follows:

2.3.1103: LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES:

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G. Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 19. Section 104 (License Required) of Article 4 (Sexually Oriented Businesses) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.4.104: LICENSE REQUIRED:

A. License Required: It shall be unlawful for any person to operate a sexually oriented business within the City without first obtaining a license. **Upon conviction of a violation of this subsection 2.4.104A, the penalty shall be a fine of fifty percent (50%) of the amount of the license fee. The general penalty provision of this Code shall not apply to any conviction of a violation of this subsection 2.4.104A.**

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Section 20. Section 202 (Excavation License Required) 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 amended to read as follows:

3.3.202: EXCAVATION LICENSE REQUIRED:

No person shall make any excavation or fill any excavation in any public place without first obtaining a license and permit for the excavation except as otherwise provided in this article. No license or permit to make an excavation or fill an excavation in a public place shall be issued except as provided in this part. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

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Section 21. Section 401 (License Required; Fee) of Part 4 (Private Snow Removal Activities on Public Streets) 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 amended to read as follows:

3.3.401: LICENSE REQUIRED; FEE:

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D. Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.

Section 22. Section 501 (License Required) of Part 5 (Concrete Contractors) 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 amended to read as follows:

3.3.501: LICENSE REQUIRED: No person shall construct or repair a sidewalk, curb and gutter, or driveway, or contract to construct or repair a sidewalk, curb and gutter, or driveway within the City right of way without first obtaining a license and a permit to do so, except as otherwise provided in this part. No license or permit shall be issued except as provided in this part. **Upon conviction of a violation of this section, the penalty shall be a fine of twenty dollars (\$20.00). The general penalty provision of this Code shall not apply to any conviction of a violation of this section.**

Section 23. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

Section 24. 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
24th day of June, 2014.

Finally passed: July 8, 2014



Keith King, Council President

Delivered to Mayor on _____.

Mayor's Action:

- Approved on _____.
- Disapproved on 7.9.2014, based on the following objections: expressed in the Mayor's Disapproval by Veto, dated July 9, 2014 attached hereto and incorporated herein.



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



July 9, 2014

Mayor's Disapproval by Veto of Ordinance No. 14-40, passed on July 8, 2014, Attached and Incorporated into Ordinance No. 14-40

Honorable President and Members of City Council:

Consistent with Charter Section 3-70 (e), I hereby exercise my authority to veto City Council Ordinance No. 14-40. This disapproval is based upon the objections set forth herein.

Ordinance No. 14-40 is one of four contemporaneously passed ordinances by City Council, all of which are calculated to eliminate most City licensing fees for businesses operating within the City. While the sentiment behind these ordinances of being "business friendly" is laudable, the ordinances represent a piecemeal approach to a larger issue and will create a significant revenue loss for the City.

The City Clerk is presently undertaking a comprehensive review of City licensing requirements and the appropriateness of license fees relative to the cost of administering such business licenses. This review includes looking at innovative ways to address these matters, and the best practices of successful cities. That detailed review should be allowed to proceed and may lead to the adjustment of fees based upon actual cost, recommendations to follow different procedures, or possibly even the elimination of licensing altogether for some types of businesses.

The ordinances passed by Council still require licensing, but without any fees to cover the costs which would still be borne by the Clerk and other departments of the City. This loss of \$400,000 in fees creates a hardship for the Clerk's office, and would be added to other budget shortfalls the City now faces.

Additionally, the elimination of all license fees effectively shifts the costs incurred by the City in issuing licenses and enforcing regulations from the licensed businesses to the City's general taxpayers. It is neither fair nor appropriate for all the taxpayers to pay the costs of regulating businesses that serve customers representing only a portion of the taxpaying public. Moreover, this is not a sound practice for government to follow.

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I must therefore disapprove and veto Ordinance No. 14-40.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Steve Bach', with a long horizontal flourish extending to the right.

Steve Bach
Mayor of the City of Colorado Springs