

ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE ADOPTING A NEW PART 12 (PEDAL-CAB SERVICES) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATIONS AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PEDAL-CAB SERVICE LICENSES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

Section 1. A new Part 12 (Pedal-cab Services) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is adopted to read as follows:

**Section:**

- 2.3.1201 PURPOSE**
- 2.3.1202 DEFINITIONS**
- 2.3.1203 PEDAL-CAB AGENCY LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES**
- 2.3.1204 PEDAL-CAB DRIVER LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES**
- 2.3.1205 QUALIFICATIONS OF APPLICANTS**
- 2.3.1206 CONTENTS OF APPLICATIONS**
- 2.3.1207 LICENSE AND INSURANCE REQUIREMENTS**
- 2.3.1208 TRAFFIC LAWS APPLICABLE TO PEDAL-CABS**
- 2.3.1209 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE**
- 2.3.1210 UNLAWFUL ACTS; VIOLATIONS; PENALTY**

**2.3.1201: Purpose**

The City Council hereby declares it to be in the interest of the health, safety and welfare of citizens of the City and a proper exercise of the police power to require the licensing of persons providing pedal-cab services.

**2.3.1202: Definitions**

**PEDAL-CAB AGENCY:** Any person engaged in the business of transporting persons for hire by means of one (1) or more than one (1) pedal-cab.

**PEDAL-CAB:** A multiwheeled, hooded or unhooded vehicle that is propelled solely by a pedal-cab driver, is used in the transport of passengers and is available for hire on the public streets.

PEDAL-CAB DRIVER: Any person who drives a pedal-cab, including an agency, an employee of an agency or any person who stands in the relationship of independent contractor to an agency.

PERSON: A natural person over the age of eighteen (18), partnership, association, company, corporation, organization, sole proprietorship or any other legal entity.

**2.3.1203: Pedal-cab Agency License Required; Expiration; Transferability; Fees**

- A. It shall be unlawful for any person to operate a pedal-cab agency within the City limits without first obtaining a pedal-cab agency license.
- B. Each pedal-cab agency license shall specify the name under which the licensee is to operate, the address of the principal place of business, the expiration date, the number of the license and any other information the City Clerk deems necessary.
- C. All licenses issued under this part shall expire one year from the date of issuance, unless suspended or revoked earlier.
- D. No pedal-cab agency license granted or renewed shall be transferable from one person to another.
- E. Fees shall be as established by City Council under article 1, part 5 of this chapter.

**2.3.1204: Pedal-cab Driver License Required; Expiration; Transferability; Fees**

- A. It shall be unlawful for any person to drive a pedal-cab for hire within the City limits without first obtaining a pedal-cab driver license.
- B. Each pedal-cab driver shall be issued a license in the form of an identification card. The identification card shall contain the pedal-cab driver's name, a recent photograph of the pedal-cab driver, the expiration date, the number of the license, and the signature of the pedal-cab driver.
- C. All licenses issued under this part shall expire one year from the date of issuance, unless suspended or revoked earlier.
- D. No pedal-cab driver license granted or renewed shall be transferable from one person to another.
- E. Fees shall be as established by City Council under article 1, part 5 of this chapter.

**2.3.1205: Qualifications of Applicants**

In addition to the general qualifications set forth in section 2.1.401 of this chapter, all applicants for a license issued under this part must meet the following specific qualifications:

A. Each applicant for a pedal-cab agency or driver license must be eighteen (18) years of age or older.

B. Each applicant for a pedal-cab agency or driver license must possess a valid Colorado driver's license.

### **2.3.1206: Contents of Applications**

A. Pedal-cab Agency. In addition to the requirements of section 2.1.403 of this chapter, every application for a license to operate a pedal-cab agency shall contain the following:

1. Proof that the applicant possesses a valid Colorado driver's license.
2. Proof of the applicable insurance coverages required in section 2.3.1207E of this part.

B. Pedal-cab Driver. In addition to the requirements of section 2.1.403 of this chapter, every application for a license to drive a pedal-cab for hire shall contain the following:

1. Proof that the applicant possesses a valid Colorado driver's license;
2. The full name of the pedal-cab agency employing the driver or providing any pedal-cab or other equipment to the driver and the pedal-cab agency's Colorado Springs business license number; and
3. For pedal-cab drivers not insured through a licensed pedal-cab agency, proof of the applicable insurance coverages required in section 2.3.1207F of this part.

### **2.3.1207: License and Insurance Requirements**

A. The pedal-cab agency license shall be at all times posted in a conspicuous place in the licensee's principal place of business.

B. Every licensed pedal-cab agency shall keep the City Clerk's Office informed of the address of the local principal place of business. A licensed pedal-cab agency shall notify the City Clerk's Office within ten (10) business days of any change of address of the local principal place of business.

C. It shall be the responsibility of the pedal-cab agency to notify the City Clerk's Office within three (3) business days of the resignation, termination or suspension of any pedal-cab driver associated with the agency through contract, lease, or employment with the agency. This notice shall be made by written instrument and shall be signed by a listed principal or managing agent of the pedal-cab agency.

D. Every licensed pedal-cab agency shall be responsible for returning, if possible, to the City Clerk's Office, within three (3) business days the pedal-cab driver identification

card, for any pedal-cab driver employed by the agency, if that pedal-cab driver's license is suspended or revoked.

E. The following insurance requirements shall be met by each licensed pedal-cab agency:

1. Workers' compensation and employers' liability as required by statute. Employers' liability coverage is to be carried for a minimum limit of one hundred thousand dollars (\$100,000.00), or a statement that worker's compensation insurance coverage is not required.
2. Bodily injury for limits not less than one hundred thousand dollars (\$100,000.00) each person, three hundred thousand dollars (\$300,000.00) each accident, and property damage fifty thousand dollars (\$50,000.00) for each occurrence. Coverage shall include owned, non-owned and hired pedal-cabs.
3. Commercial general liability for limits not less than one million dollars (\$1,000,000.00) combined single limit for bodily injury and property damage for each occurrence. Coverage shall include blanket contractual, broad form property damage, products and completed operations endorsements.
4. Certificates of insurance shall be submitted before the license is issued or renewed.
5. Each insurance policy required shall 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 Avenue, Suite 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 nonrenewal of any insurance upon receipt of an insurer's notification to that effect.
6. The licensee shall be responsible for any and all damage to property or injury to persons arising out of the exercise of the license. The licensee shall indemnify and save harmless the City and its officers, agents and employees from all suits, actions or claims of injuries received or sustained by any person or persons or property on account of any act or omission of the licensee, its agents or employees, or due to the failure of the licensee to observe the provisions of this section.
7. The suspension, voiding, nonrenewal, cancellation or reduction of insurance shall be cause for automatic suspension of the license until the coverage shall be reinstated. All policies shall be kept in force and effect for the term of the license.

F. The following insurance requirements shall be met by each licensed pedal-cab driver:

1. Bodily injury for limits not less than one hundred thousand dollars (\$100,000.00) each person, three hundred thousand dollars (\$300,000.00) each accident, and property damage fifty thousand dollars (\$50,000.00) for each occurrence. Coverage shall include owned, non-owned and hired pedal cabs.
2. Pedal-cab driver insurance requirements may be met by submitting proof of qualifying coverage obtained through an insured and licensed pedal-cab agency with which a driver has a contractual relationship.
3. Certificates of insurance shall be submitted before the license is issued or renewed.
4. Each insurance policy required shall 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 Avenue, Suite 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 nonrenewal of any insurance upon receipt of an insurer's notification to that effect.
5. The licensee shall be responsible for any and all damage to property or injury to persons arising out of the exercise of the license. The licensee shall indemnify and save harmless the City and its officers, agents and employees from all suits, actions or claims of injuries received or sustained by any person or persons or property on account of any act or omission of the licensee, its agents or employees, or due to the failure of the licensee to observe the provisions of this section.
6. The suspension, voiding, nonrenewal, cancellation or reduction of insurance shall be cause for automatic suspension of the license until the coverage shall be reinstated. All policies shall be kept in force and effect for the term of the license.

### **2.3.1208: Traffic Laws Applicable to Pedal-cabs**

Every person driving a pedal-cab shall be granted all of the rights and shall be subject to all of the duties applicable to the rider of a bicycle under the provisions of Chapter 10, Article 19 of the Code of the City of Colorado Springs 2001, as amended.

### **2.3.1209: Denial, Suspension, or Revocation of License**

A. In addition to the grounds set forth in article 1 of this chapter, a pedal-cab license may be denied, suspended or revoked if the applicant or a principal of the applicant:

1. Has made a willful misrepresentation in applying for and obtaining a license;
2. Has been previously denied a license under this part or has had a license issued under this part suspended or revoked;

- 3. Has been convicted of operating without a license under this part or performing any act for which a license is required under this part; or
- 4. Has violated any of the provisions of this General Licensing Code.

B. The suspension or revocation of a pedal-cab license shall be subject to the provisions of section 2.1.801 et seq., of this chapter.

**2.3.1210: Unlawful Acts; Violations; Penalty**

A. License Required: No person shall operate a pedal-cab agency or act as a pedal-cab driver unless licensed.

B. Misrepresentation: No person shall make willful misrepresentation in applying for or obtaining a license.

C. Use Of License or Identification Card: No pedal-cab licensee shall knowingly allow the license or identification card to be used by any other person, and no person shall knowingly use a license or identification card issued to some other person.

Section 2. This ordinance shall be in full force and effect from 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 \_\_\_\_\_, 2015.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Merv Bennett, Council President

Delivered to Mayor on \_\_\_\_\_.

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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John W. Suthers, Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Merv Bennett, Council President

ATTEST:

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Sarah B. Johnson, City Clerk