



Legislation Text

File #: 14-0572, **Version:** 3

Ordinance No. 14-72 amending Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to general business license provisions

From:

Sarah Johnson, City Clerk

Summary:

As part of an ongoing effort to make the City of Colorado Springs a more business friendly community, and as one of the City Clerk's 2014 Breakthrough Strategies, the City Clerk conducted a thorough review of all general and specific business license types, requirements, and fees to ensure they are relevant and necessary to regulate activities related to health, safety or other protective purposes. This review includes proposals for removal/clarification of requirements for standardization across all general business license types. These updates to our City Code eliminate unnecessary steps and requirements for a business to operate in our great city, while also aiding the future creation of an online application/renewal business licensing system.

A summary of the proposed changes reflected in the General Business License Provisions Ordinance and other license-specific ordinances being presented as part of the City Clerk's review, are as follows:

1. Facilitate the anticipated shift to an online system for business license applications, renewals, and payment of fees;
2. Simplify and consolidate the general application requirements for all licenses subject to the General Licensing Code and incorporate the general requirements by reference into the specific license provisions;
3. Standardize the expiration date for all licenses to one (1) year from the date of issuance;
4. Replace the notarization requirements for initial and renewal applications with affirmation requirements and make it unlawful to knowingly make a false statement or omit pertinent information on a business license application or renewal application;
5. For licenses with insurance requirements, (a) shift notice of cancellation requirement from the insurer to the licensee and remove the 30-day advance notice period, (b) standardize commercial general liability insurance limits to a minimum of \$1,000,000, (c) eliminate requirement that the City be named as an additional insured, and (d) allow for nonnotarized statement that workers' compensation insurance coverage is not required in lieu of a coverage certificate or request for an exemption from the City;
6. Clarify that, in accord with section 1.2.404 of the City Code, the City Attorney shall approve the form of required bonds or surety documents but not the surety(ies) of the bonds themselves;
7. Provide that notices sent the last mailing or e-mail address furnished to the City Clerk's office shall constitute sufficient notice and prima facie evidence that the notice was received to eliminate

the requirement (though not the option) for service by certified mail;

8. Allow the Licensing Officer (i.e., the City Clerk) to continue hearing (a) appeals of the Deputy Licensing Officer's decisions and (b) allegations of license violations requiring a suspension or revocation hearing, or to designate a "hearing officer" to do so;
9. Align suspension and revocation provisions with the hearing process set forth in Article 1, Part 8;
10. Replace references to the "Colorado Department of Revenue" with the "Colorado Secretary of State" to reflect the transfer of trade name registration responsibilities in 2006;
11. Include invoices, receipts, and applicable tax returns within the definition of "records";
12. Clarify throughout the general and specific license provisions that license and related fees shall be "as established by the City Council under article 1, part 5 of chapter 2"; and
13. Harmonize definitions and other language in the General Licensing Code with the rest of the City Code.

These proposed changes would become effective as of January 1, 2015.

Previous Council Action:

No previous Council action.

Background:

As part of an ongoing effort to make the City of Colorado Springs a more business friendly community, and as one of the City Clerk's 2014 Breakthrough Strategies, the City Clerk conducted a thorough review of all general and specific business license types, requirements, and fees to ensure they are relevant and necessary to regulate activities related to health, safety or other protective purposes. This review includes proposals for removal/clarification of requirements for standardization across all general business license types. These updates to our City Code eliminate unnecessary steps and requirements for a business to operate in our great city, while also aiding the future creation of an online application/renewal business licensing system.

The City Clerk worked closely with City Attorney's Office, CSPD, City Forester, Risk Management, Engineering and Finance staff during the review process. This review includes proposals to repeal several license types and remove/ clarify requirements for standardization across all remaining business license types. These updates to our City Code eliminate unnecessary steps for a business to operate in our great city, while also aiding the future creation of an online application/renewal business licensing system.

Specifically, the proposed General Business License Provisions Ordinance makes the following changes to the City Code:

1. Facilitate the anticipated shift to an online system for business license applications, renewals, and payment of fees;
2. Simplify and consolidate the general application requirements for all licenses subject to the General Licensing Code;
3. Replace the notarization requirements for initial and renewal applications with affirmation requirements and make it unlawful to knowingly make a false statement or omit pertinent information on a business license application or renewal application;
4. Clarify that, in accord with section 1.2.404 of the City Code, the City Attorney shall approve the form of required bonds or surety documents but not the surety(ies) of the bonds themselves;
5. Provide that notices sent the last mailing or e-mail address furnished to the City Clerk's office

shall constitute sufficient notice and prima facie evidence that the notice was received to eliminate the requirement (though not the option) for service by certified mail;

6. Allow the Licensing Officer (i.e., the City Clerk) to continue hearing (a) appeals of the Deputy Licensing Officer's decisions and (b) allegations of license violations requiring a suspension or revocation hearing, or to designate a "hearing officer" to do so;

7. Replace references to the "Colorado Department of Revenue" with the "Colorado Secretary of State" to reflect the transfer of trade name registration responsibilities in 2006;

8. Include invoices, receipts, and applicable tax returns within the definition of "records"; and

9. Clarify that license and related fees shall be "as established by the City Council under article 1, part 5 of chapter 2."

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

The City Clerk worked closely with City Attorney's Office, CSPD, City Forester, Risk Management Engineering, Finance and other staff during the review process. The Deputy City Clerk, who is also the Deputy Licensing Officer, also contacted current City business licensees to discuss these proposals.

Alternatives:

Not approve the ordinance

Proposed Motion:

Motion to approve an ordinance amending Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to general business license provisions on first reading.

N/A