



ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE TO AMEND CHAPTER 117 LICENSING OF BUSINESSES, ARTICLE I GENERAL PROVISIONS CONCERNING §117-13 LICENSE FEES

**WHEREAS**, the Town of Dewey Beach has examined business license fees and determined that increases are warranted given the increased expense associated with the municipal charge to protect and preserve public safety, health, peace, cleanliness, good order and general welfare; and

**WHEREAS**, the Town of Dewey Beach notes that the business license fee structure has not been adjusted in recent years to offset the expense associated the provision of the above-referenced municipal services; and

**WHEREAS**, the Commissioners of the Town of Beach have concluded in the interest of simplification that there is insufficient justification for classifying real estate brokers and taxis differently than in-town or out-of-town businesses.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Amend §117-13B of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

B. Licenses shall be required for the following trades, businesses, and occupations in the Town, and the license fee shall be as set forth beside the name(s) of said trades, businesses and occupations:

(1) Residential property rentals: ~~\$142~~ \$182 base fee, plus ~~\$11~~ \$14 for each bedroom over two.

(2) Motels and hotels: ~~\$382~~ \$488 base fee, plus ~~\$22~~ \$28 per room.

~~(3) All real estate brokers: \$382.~~

(3) Food and beverage service establishments: ~~\$273~~ \$349 base fee, plus ~~\$6~~ \$8 per person, based on Fire Marshal occupancy.

(a) For small establishments for which the Fire Marshal has not established occupancy (e.g., under 35 persons), the ~~\$6~~ \$8 per person multiplier shall be based upon seating capacity as reported to and approved by the Town of Dewey Beach.

(b) Occupancy, however calculated, shall include all patron areas, indoor and outdoor, where food and beverages are or can be served.

(c) The Town reserves the right to verify occupancy reporting, and assess appropriate additional license fees if occupancy, as defined and applicable to the establishment, is underreported for purposes of obtaining a license under this section.

(4) One-day business license: ~~\$50~~ \$25.

(5) Conference Center: ~~\$2,180~~ \$2788.

(6) Small in-Town ~~retail~~ Businesses not classified above (one to four employees): ~~\$273~~ \$349.

(7) Large in-Town ~~retail~~ Businesses not classified above (five or more employees): ~~\$382~~ \$488.

(8) ~~Service businesses~~ Small out-of-town business (one to four employees): ~~\$109~~ \$139.

(10) ~~Vending machines: \$28 per machine.~~

(9) Large out-of-Town business (five or more employees): ~~\$382~~ \$488.

(12) ~~Taxis, per car: \$109.~~

**Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

#### SYNOPSIS

This Act increases various business license fees to offset the increased expense related to the provision of town services referenced above, and decreases the one-day business license option. It also deletes certain business classifications to simplify the application of license fee ordinance.

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William Stevens, Mayor

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Bill Zolper, Town Manager