

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

**AN ORDINANCE TO AMEND CHAPTER 117 RELATING TO LICENSING OF BUSINESSES BY REQUIRING AN ANNUAL RENTAL SAFETY SELF-CERTIFICATION; STRIKING THE REQUIREMENT OF A NON-RENTAL DECLARATION; CLARIFYING RESPECTIVE DUE DATES FOR LICENSURE SUBMISSIONS; REVISING REFERENCES TO ALTERNATIVE METHODS OF DELIVERING NOTICES BY MAIL; AMENDING THE BUSINESS LICENSE FEES FOR PACKAGES STORES; STRIKING THE LICENSE FEES FOR TRANSPORTATION NETWORK COMPANY DRIVER; ADDING A LICENSE FEE FOR A ONE-DAY BUSINESS LICENSE; AND MATTERS RELATED THERETO**

**WHEREAS**, The Commissioners of the Town of Dewey Beach would like property owners to ensure that residential rental properties are maintained in safe condition;

**WHEREAS**, there are various application and payment due dates for a business license;

**WHEREAS**, The Commissioners of the Town of Dewey Beach desire to change the license fee for a package store to be equivalent to an in-town retailer;

**WHEREAS**, the State of Delaware amended Chapter 2 of the Delaware State Code regarding Transportation Network Company (TNC) drivers and granting exclusive governance of TNC drivers to that chapter, and specifically, that a municipality may not require a license for a Transportation network company driver;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS \_\_\_\_\_, THAT:**

**SECTION 1.** Amend Section 117-2 to read as follows:

“A. No person shall operate, maintain or otherwise be engaged in any business designated in the license fee schedule herein within the municipal boundary without first obtaining a license from the Town. Additionally, all residential rental property owners must complete and return to Town Hall a Safety Certification Affidavit each license year. Residential Rental licenses will not be issued if a current Safety Certification Affidavit has not been received by Town Hall. ~~Additionally, all property owners who do not rent shall be required to file a certification that the owner does not rent or lease their property.”~~

**SECTION 2.** Amend Section 117-4 to read as follows:

“A. The Town’s representatives ~~shall~~ retains the right to investigate and review all applications for license to do business within the limits of the Town.”

**SECTION 3.** Amend Section 117-6 by striking it in its entirety and replacing it with the following:

“§ 117-6. Licensing Year.

The license year shall be as follows:

|                                                       | License Year Begins | Payment and Application Due                               |
|-------------------------------------------------------|---------------------|-----------------------------------------------------------|
| Residential Rental License - ongoing                  | April 1             | March 15                                                  |
| Residential Rental License - new                      | April 1             | Prior to commencement of rental                           |
| In Town Ongoing Business                              | March 1             | February 28.<br>License must be posted by March 14        |
| Out of Town Business (e.g., non-store-front business) | March 1             | Prior to commencement of any business activity            |
| In Town New Business                                  | March 1             | Prior to commencement of operations in Town               |
| Real Estate Agents and Brokers                        | March 1             | Prior to listing a Dewey Beach property for sale or rent. |

**SECTION 4.** Amend Section 117-9 as follows:

“...before any license is suspended or revoked by the Town, 10 calendar days’ written notice shall be given in advance ~~by registered mail, with return receipt required by certified mail, registered mail, or first class mail accompanied by a certificate of mailing,~~ directed to the licensee at the usual place of business within the corporate limits of the Town, of the reason for the suspension or revocation and upon the correction of the defect within 10 calendar days following receipt of said notice, no suspension or revocation shall take effect. If the defect is not corrected within the ten-day period, the license shall be deemed to be surrendered or revoked at the expiration thereof.”

**SECTION 5.** Amend Section 117-12 as follows:

“A. Any person, firm, corporation, or business entity conducting ongoing business operations in Dewey Beach that fails to obtain and post its annual business license according to the schedule in Section 117-6 ~~by March 14 of each year, or any business entity commencing new business operations in Dewey Beach that fails to obtain a business license within two weeks of commencement of operations in Town, or any such foreign out of town business entity that fails to obtain a business license within two weeks of commencement of the applicable business license fee per calendar month or part thereof that such payment is late.~~ shall have committed a civil offense pursuant to Chapter 80 of the Municipal Code of Dewey Beach and shall be subject to a fine of \$500.

**SECTION 6.** Amend Section 117-3 to strike subsection (5)(a), (6), (11) and (15), and adding a subsection for a one-day business license, and renumbering other subsections accordingly.

~~(5) (a) For 2012 only, existing establishments in this category shall pay the \$6 per person multiplier based upon the lower of Fire Marshal occupancy; or seating capacity as reported to and approved by the Town of Dewey Beach. For tax years 2013 and beyond, all establishments with Fire Marshal occupancy shall use Fire Marshal occupancy in calculating the multiplier.~~

~~(6) Package store; \$2,180.~~

~~(11) Landscaping Business; \$382.~~

~~(15) Transportation network company drivers: \$109 per car.~~

“One-day business license; \$50”

**SECTION 7. Severability.** If any provision 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 8. Adoption.** This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on \_\_\_\_\_, 2017.

BY: \_\_\_\_\_ Mayor Dale Cooke

ATT: \_\_\_\_\_ Town Manager Marc Appelbaum

DRAFT