



TOWN OF DEWEY

BEACH

www.townofdeweybeach.com

105 Rodney Avenue
Dewey Beach, DE 19971
302-227-6363 (Voice or TDD)
302-227-8319 (Fax)

ORDINANCE NO. _____

An Ordinance to amend Chapter 117 Licensing of Businesses, Article I General Provisions, §117-3 License application contents; §117-4 Investigation and review; §117-6 License year; §117-7 Forms records required; §117-11 Display of license; §117-13 License fees

WHEREAS, the Town of Dewey Beach accepts license applications in writing, but is now accepting license electronically submitted applications and payments on the town website as well;

WHEREAS, clarification of the word “notice” is better language than the word “request” in §117-4;

WHEREAS, the license date is desired to be amended for all licenses to be due on the same date for accounting purposes;

WHEREAS, the license date is desired to be moved to May 1st due to the fiscal year falling on April 1st, and needing to have the licenses processed within that current fiscal year and the majority of licenses not being processed within two fiscal years;

WHEREAS, the town does not require residents who do not rent their property to complete a non-rental certification;

WHEREAS, the town would like to permit Town Officials to have the authority to inspect license postings on the premises of licensed rentals and/or businesses;

WHEREAS, Title 24, Chapter 29, Subchapter II of the code of the State of Delaware does not permit municipalities to charge real estate agents for doing business within the municipality;

WHEREAS, the Baycenter was the name of a business that is no longer in operation, and the fee was initially set with intention to be for a Conference Center type business operation.

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 Sections 117-3, 117-4, 117-6, 117-7, 117-11, 117-13 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

§ 117-3 License application; contents.

Applications for licenses shall be addressed to the Town, in writing ~~or on the town website~~, on license application forms as required by the Town.

§ 117-4 Investigation and review.

C_Inspections. [Added 2-12-2000 by Ord. No. 423; amended 12-12-2015 by Ord. No. 723]

(1) The Building Official or his or her duly authorized designee shall be authorized to periodically conduct an inspection of residential rental dwelling units to assure compliance with all applicable building, housing and sanitation codes and ordinances. Owners shall provide access to all required areas of a residential rental property for inspection within 21 calendar days of an inspection ~~request notice~~ from the Building Official. This time period may be extended upon the approval of the Building Official or his or her designee.

§ 117-6 License year.

[Amended 12-8-2012 by Ord. No. 699; 2-13-2016 by Ord. No. 725[1]; 1-14-2017 by Ord. No. 735]

The license year shall be as follows:

License Type	License Year Begins	Payment and Application Due
Residential rental license, ongoing	April 1 May 1	March 15 April 30
Residential rental license, new	April 1 May 1	Prior to commencement of rental
In-Town ongoing business	March 1 May 1	February 28 License must be posted by March 14 April 30 License must be posted by May 15
Out-of-Town business (e.g., nonstorefront business)	March 1 May 1	Prior to commencement of any business activity
In-Town new business	March 1 May 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

§ 117-7 Forms; records required.

The Town shall prescribe the form of the license certificate ~~or non-rental certification~~ to be issued to applicants and shall keep complete records of all licenses issued and the expiration dates thereof and the license fee charged.

§ 117-11 Display of license.

All licenses issued under this article shall be posted in a public place in the establishment or place of business for which it is issued or, as the case may be, shall be carried upon the person of the licensee. Each license granted shall not be transferable. The premises of every licensee shall be open to the inspection of the Fire Marshal, Department of Health and Social Services, Building Official, **Town Official** and Town Police during all business hours.

§ 117-13 License fees.

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:

[Amended 12-10-2011 by Ord. No. 688; 2-11-2012 by Ord. No. 690]

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

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

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

~~(4) All real estate agents: \$109.~~

~~(5)~~(4) Food and beverage service establishments: \$273 base fee, plus \$6 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 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.

~~(6)~~(5) One-day business license: \$50.

~~(7)~~ (6) Conference Center ~~Bay-center~~: \$2,180.

~~(8)~~ (7) Small in-Town retail (one to four employees): \$273.

~~(9)~~ (8) Large in-Town retail (five or more employees): \$382.

~~(10)~~ (9) Service businesses: \$109.

~~(11)~~ (10) Vending machines: \$28 per machine.

~~(12)~~ (11) Large out-of-Town business (five or more employees): \$382.

~~(13)~~ (12) Taxis, per car: \$109.[4]

[Added 2-13-2016 by Ord. No. 726]

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. Enacted this 15th day of October, 2021.

William Stevens, Mayor

Bill Zolper, Town Manager