

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE**

**Ordinance No. 14 - 0616-01**

**ORDINANCE TO ESTABLISH BUSINESS LICENSING**

**Chapter 51 – Businesses**

**The City of Delaware City**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (“Charter”), and pursuant to the “Powers of the City,” outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City (“City Council”) possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code;

**WHEREAS**, the Mayor and City Council believe establishing a business licensing process is in the best interest of The City of Delaware City (the “City”);

**WHEREAS**, to establish a business licensing process, the Mayor and City Council desire to establish and adopt Chapter 51 (“Businesses”) and its subparts as part of the Delaware City Code as set forth below (“Proposed Code Sections”);

**WHEREAS**, the Proposed Code Sections will enable the City to monitor business activities within the City and recoup the additional costs that businesses cause the City, including, but not limited to, administrative costs, licensing, maintaining records, employee costs, and regulatory costs; and

**WHEREAS**, pursuant to Article V, Section 5-02(B) of the Charter, the Proposed Code Sections were introduced by a member of City Council at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

**NOW, THEREFORE,** the Mayor and City Council of The City of Delaware City hereby ordain:

**Section 1.** Chapter 51, Article I, of the Delaware City Code, upon an affirmative vote of the City Council, is hereby adopted and shall read as follows:

Chapter 51  
**Article I Business License Fees**

**Section 51-1 License Required**

No person shall operate, maintain or otherwise engage in any business, occupation or activity designated hereafter in this article without first obtaining a license from The City of Delaware City, including, but not limited to, mobile or transient businesses.

**Section 51-2 Definitions**

As used in this Article, the following terms shall have the meaning indicated:

Establishment: Building or part thereof, from which any merchandise or commodities are dispensed or facilities or services are provided to members of the general public.

Mobile Business: any motor or horse drawn vehicle, or stand that is not permanent in nature, from which any merchandise or commodities are dispensed or services are provided to members of the general public.

Person: Includes firms, companies, corporations, partnerships and associations, as well as individuals.

**Section 51-3 License Year**

The license year shall begin January 1 and end December 31 of each calendar year.

**Section 51-4 License Required Before Start of Business**

Annual licenses must be obtained prior to opening, starting or continuing any business, occupation or activity as described in this chapter for any license year.

**Section 51-5 License Fee**

The cost of the annual license fee for Establishments shall be \$50.00. The cost of the annual license fee for Mobile Businesses shall be \$150.00.

### **Section 51-6 Application for License**

Applications for licenses shall be addressed to The City of Delaware City, in writing, verified by oath or affirmation and signed by the applicant. Each applicant shall give the following information:

- a.) The home or business address of the applicant;
- b.) If the applicant is a partnership, the names and addresses of the individuals composing the partnership;
- c.) If the applicant is not an individual, the names and addresses of the principal officers of the corporation or entity;
- d.) A full description of the nature of the business or enterprise for which the license is required;
- e.) A statement that the applicant has complied with all laws and ordinances of The City of Delaware City;
- f.) A copy of a current State of Delaware business license; and
- g.) Any Establishment or Mobile Business engaged in preparing or selling food and/or beverages, shall submit a copy of its Board of Health certificate.

### **Section 51-7 When Taxes or Assessments are Due**

No license shall be issued under this chapter to premises upon which any taxes or assessments are outstanding and past due to The City of Delaware City.

### **Section 51-8 Licensed Business to be Lawful**

It shall be a condition to the issuance of any and all licenses under this chapter that the business, occupation or activity licensed shall be used and operated only for lawful purposes. The right of The City of Delaware City, Delaware, in its discretion, to refuse to grant any license and to revoke any license previously granted is hereby specifically reserved.

### **Section 51-9 Prohibited Practices**

- a.) A Mobile Business is prohibited from selling its products, merchandise, food and/or beverages, or wares within the C-1 District (Central Commercial) and C-2 District (General Commercial) of The City of Delaware City.

### **Section 51-10 Issuance of License**

- a.) Upon the receipt of an application completed in good order, the City Manager shall examine such application and shall ascertain by such examination whether the activities indicated and described are in accordance with the requirements of this chapter and all other pertinent laws and ordinances.
- b.) If the City Manager is satisfied, the activities described in the application for a license and the information filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, the City Manager shall issue a license to applicant.
- c.) If the application for a license describes an activity or contains information which does not conform to the requirements of this chapter or other pertinent laws or ordinances, the City Manager shall not issue a license, but shall return the application to the applicant with his refusal to issue such license. Such refusal shall, when requested, be in writing and shall contain the reasons therefore.

### **Section 51-11 Suspension or Revocation of License**

Any license issued pursuant to this chapter shall be subject to suspension or revocation by the City Manager for violation of any provision of this chapter or for any grounds that would warrant the denial or issuance of such license in the first place. The City Manager, upon revocation or suspension, shall state his reasons in writing and specify the particular grounds for such revocation or suspension.

### **Section 51-12 Posting of Licenses**

All licenses issued under this chapter shall be posted in a public place in the Establishment or Mobile Business for which it is issued, or, as the case may be, shall be carried on the person of the licensee. Establishments and Mobile Businesses engaged in preparing or selling food and/or beverages shall also post a copy of its Board of Health certificate.

### **Section 51-13 Form of License**

The City of Delaware City shall prescribe the form of the license certificate to be issued to applicants.

### **Section 51-14 Violations and Penalties**

Whoever shall violate any provisions of this article shall be subject to a fine of not more than \$100. Each day that a business, occupation or activity is carried on, prosecuted, conducted or engaged in without a proper license having been obtained pursuant to this article or any other applicable law shall be deemed to be a separate offense.

**Sections 51-15 to 51-20 Reserved**

**Section 2. Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.


**Section 3. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its adoption by a majority vote of the City Council.

**(SIGNATURE PAGE FOLLOWS)**

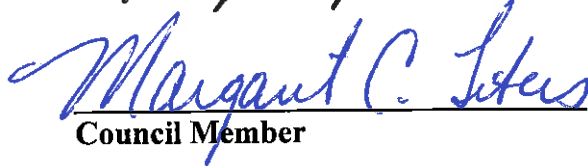
ADOPTED BY THE MAYOR AND COUNCIL, this 21<sup>st</sup> day of July, 2014.


ATTEST:

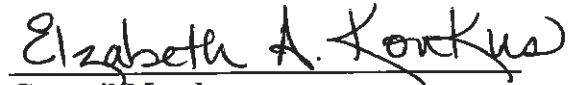
  
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City Secretary

  
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Mayor

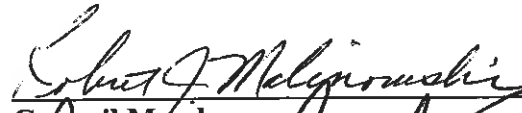
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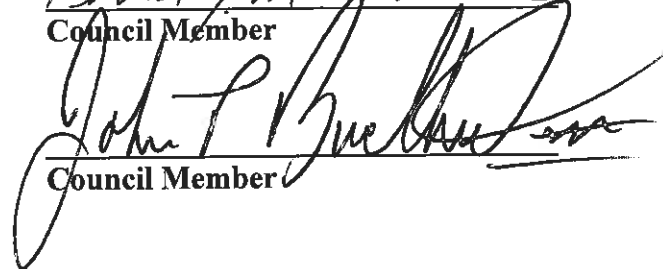
  
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Council Member

  
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City Solicitor

  
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First Reading on 6/16/14,

Second Reading, Public Hearing, and Final Passage on 7/21/14.