



ORDINANCE NO. 2018-04

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF BRIDGEVILLE, CHAPTER 1, SECTION 1-16, AS IT RELATES TO PENALTIES, AND REPEALING CHAPTER 110 CONTRACTOR LICENSES AND ADDING A NEW CHAPTER 110 BUSINESS LICENCES.

WHEREAS, the Commissioners of Bridgeville have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the implied powers necessary to carry into execution all the powers granted; and

WHEREAS, the Commissioners are of the opinion that an amendment to the Code as it relates to Contractor Licenses is necessary for the health, peace, safety and wellbeing of the residents of Bridgeville;

NOW, THEREFORE BE IT ORDAINED BY THE COMMISSIONERS OF BRIDGEVILLE, to read as follows:

Section 1. Amend Code of the Town of Bridgeville, Chapter 1, General; Provisions, Article II Penalties, § 1-16, Summons, adding the underlined text, as follows:

§ 1-16 Summons.

Code Enforcement Officers are authorized to issues summons to enforce and assess the minimum fines due for violations of the following chapters of the Code:

Alarms	74
Alcoholic Beverages	76
Amusement Devices	80
Animals	84
Brush, Grass and Weeds	90
Building Construction	96
Burning, Outdoor	106
<u>Business Licenses</u>	<u>110</u>
Fences	132
Flood Damage Prevention	138

Numbering of Buildings	165
Rental Property	180
Snow and Ice Removal	197
Swimming Pools	205
Vehicles, Abandoned	220
Water	228
Land Use and Development	234

Section 2. Amend Chapter 110, Contractor Licenses, of the Code of the Town of Bridgeville, by deleting Chapter 110, Contractor Licenses, in its entirety and inserting in lieu thereof a new Chapter 110 titled Business Licenses as follows:

Chapter 110: Business Licenses

§ 110-1 Definitions.

- A. Any word or term not defined herein shall be used with a meaning of standard usage.
- B. As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE

Any individual working in a full- or part-time capacity for another person. For purposes of this chapter, an individual working as a temporary worker through an employment agency shall be considered an employee.

GENERAL BUSINESS

Persons, firms or corporations, whether within or outside of the corporate limits of the Town of Bridgeville, engaged for profit in selling any and all merchandise and/or given commodities from any given establishment, providing facilities for use, entertainment, or enjoyment, providing services for use, service food, door-to-door solicitation, peddlers, or hawkers, manufacturing, whether industrial or otherwise, and any person, firm or corporation providing services not hereinbefore mentioned doing business in Town.

HOME-BASED BUSINESS

Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

PERSON or PERSONS

Individuals, partnerships, firms, companies, associations, corporations, limited liability companies and trusts.

§ 110-2 Annual license required; applicability.

- A. No person shall engage in or carry on or aid or assist as employee, clerk or otherwise, in the Town of Bridgeville, any business, occupation or activity or use therefor, any wagon, vehicle stand, store or other place or thing, at or from which any merchandise or commodity is dispensed or facilities or services are provided to members of the general public or members of an association, club or other body or the like, without first having paid the prescribed fee and having obtained from the Town of Bridgeville an annual

license for such business, occupation or activity. Specifically included, without in any way limiting the those persons required to obtain a license, are all persons, firms and corporations engaged for profit in selling any and all merchandise and/or giving commodities and/or in providing facilities, services, rental units and/or food service within the Town limits. Home-based business must also be licensed under this Chapter.

Those persons engaging in activity described in Chapter 172 of this Code (Peddling and Soliciting) must also obtain a license under Chapter 172. An annual license is not required for the United States of America, the State of Delaware, Sussex County, the Town of Bridgeville or any agency or department thereof, including school districts or churches, religious societies or any nonprofit corporation organized for educational or charitable purposes. Rental Property governed under Chapter 180 of the Bridgeville Code is not required to be licensed under this Chapter.

- B. A license shall be obtained for each branch establishment or location of the business engaged in as if each branch or establishment or location were a separate business, provided that accessory buildings used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.
- C. If more than one business or occupation is carried on in any one building, each such business or occupation shall be licensed separately. Businesses that are a part of partnerships, firms, companies, associations, corporations, limited liability companies and trusts and do business under another name require individual business licenses.
- D. All property owners who do not rent shall be required to file a certification that the owner does not rent or lease his or her property.

§ 110-3 Applications and forms for permits or licenses.

- A. Applications for all licenses and permits required by this chapter shall be made in writing to the Town Manager or his/her designee in the absence of provision to the contrary. Forms for all licenses and permits, and applications therefor, shall be prepared and kept and filed by the Town Manager or designee.
- B. Application procedure. New applications for a license required by § 110-2 hereof shall be made on the prescribed form to the Town of Bridgeville, and no license shall be granted until the license fee shall have been paid in full. Each such license and such application shall specify to whom it shall be issued and give the following information:
 - (1) The home and business address and telephone numbers of the applicant.
 - (2) If the applicant is a partnership, the names and addresses and telephone numbers of the individuals composing the partnership.
 - (3) If the applicant is a corporation, the names and addresses and telephone numbers of the principal officers of the corporation.
 - (4) A full description of the nature of the business or enterprise for which the license is required.
 - (5) The specific location of the business, occupation or activity.
 - (6) The maximum number of employees, rental units, rental rooms, or storage units of a business during the license year.
 - (7) A copy of a valid business Delaware state business license issued in the name of the business, a Delaware professional license for the individual or business (if applicable), and proof of liability

insurance (if required by Delaware law).

(8) All other information requested on the application provided by the Town.

(9) Any additional information requested to assist in the approval of the license.

C. Each license applicant and each licensee shall certify in writing, on a form prepared by the Town, as follows:

(1) The information on the application is true and correct and that a false answer can subject the application to denial or a license to revocation.

(2) The applicant has consistently complied with all provisions of this chapter and all other laws and ordinances of the Town of Bridgeville and other agencies and jurisdictions relating to the business or enterprise for which the license is required, including applicable zoning and building codes, and shall continue to do so throughout the term of the license.

D. Yearly renewal applications for a license required by § 110-2 shall validate the renewal information on the form generated by the Town of Bridgeville and make any changes and/or corrections as needed. No license shall be granted until the license fee, if applicable shall have been paid in full and the renewal form signed.

E. Address corrections and/or changes to existing licenses may be made on the yearly renewal form or a change of address form to the Town of Bridgeville. It is the responsibility of the license holder to notify the Town of Bridgeville in writing of any changes to the account. It is further the responsibility of the license holder to notify the Town of Bridgeville in writing if the business is no longer valid.

§ 110-4 Signatures on license or permit.

Each license or permit issued shall bear the signature of the Town Manager or his or her designee.

§ 110-5 Investigation of applicant.

A. The Town Manager or his or her designee shall investigate and review all applications for licenses to do business within the limits of the Town of Bridgeville to determine whether:

(1) The applicant has a reputation for operating a lawful business in an honest manner.

(2) The applicant has shown cause that he/she would abide by and obey the laws and ordinances of the Town of Bridgeville.

B. The Town Manager or his or her designee shall not issue any license if it has been found that the applicant does not comply with the requirements of Subsection A hereof.

C. The Town Manager or his or her other representative may recommend to the Board of Commissioners the revocation or suspension of a license, in part or in its entirety, if it is found that the license holder or applicant does not comply with the requirements of this chapter.

§ 110-6 Appeals from decisions of Town Manager.

Any person aggrieved by the decision of the Town Manager may, within five days, take an appeal to the Board of Commissioners by giving written notice of his or her election to do so to the office of the Town Manager. The Town Manager shall notify the President, who shall call a meeting of the Board of Commissioners to hear the appeal after giving notice of the hearing in a newspaper of local circulation at least 15 days prior to said hearing.

§ 110-7 Payment of fees; termination of annual license.

An annual license fee of \$100 shall be due and payable to the Town of Bridgeville no later than the first day of January of each year for renewal licenses or upon submittal of the business license application to the Town Manager or his or her designee, and all licenses shall terminate on December 31 of each year.

§ 110-8 Changes in location and permitted acts.

The location of any licensed business or occupation or any permitted act may be changed, provided 10 days notice thereof is given to the Town Manager or his or her designee in the absence of any provision to the contrary; provided that the building and zoning requirements of the ordinances of the Town of Bridgeville are complied with.

§ 110-9 Nuisance.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

§ 110-10 License to be posted.

It shall be the duty of any person conducting a licensed business to keep his or her license posted in a prominent place on the premises used for such business at all times or, if necessary, the license can be maintained in the vehicle used for the business or carried by an employee or person involved in the business. A license, issued by the Town of Bridgeville, must be presented upon request by the Town Code Enforcement Officer, his or her designee or a law enforcement official.

110-11 Business not regulated by other ordinances.

If any business proposed to be operated in the Town is not specifically named in any licensing ordinance of the Town, the lack of such mention shall not be deemed to prohibit the operation of such business.

§ 110-12 Limitation on number of licenses.

In the absence of a specific provision restricting the number of licenses to be issued for a particular business, no ordinance or other action of the Town shall be determined to limit the number of licenses or franchises that may be issued.

§ 110-13 Exemption from fee requirements.

The following shall be exempt from the payment of business license fees charged by the Town of Bridgeville:

- A. Yard sales, residential: The sale of personal property at a person's residence is not a business or work. Yard sales are limited to two times per year, and the Town is to be notified of such sales.
- B. Any business with a principal place of business within the Bridgeville Town limits is exempt from the fee requirements but must apply and register as a business under this Chapter.
- C. Nonprofit entities are exempt from the fee requirements but must apply and register as a business under this Chapter.

§ 110-14 Violations and penalties.


Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions, Article II, Penalties.

§ 110-15 Financial good standing.

Per Bridgeville Code Chapter 135, titled "Financial Good Standing", any person applying for a business license must be considered in financial good standing with the Town prior to the issuance of a business license.

Section 3. This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By: 
President

Attest: 
Secretary