

ORDINANCE 17-01

AN ORDINANCE TO AMEND the Town of Millville Code at Chapter 90 entitled "Licenses", § 90-11 License fees and taxes, and § 90-12 Conditions attached to license; revocation of breach of condition; notice and hearing.

WHEREAS, The Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, that the following language hereby be adopted and incorporated into the Town of Millville Code and License Ordinance at Chapter 90 as follows:

Additions will be in black bold and underlined.

~~Deletions will be black bold strike through.~~

CHAPTER 90

Licenses

§ 90-11. License fees and taxes.

License fees and taxes shall be paid to the Town of Millville for conducting the business and engaging in the occupations and activities herein named and shall be as set forth in the fee schedule on file in the Town office:

- A. Rental license fee and rental tax for apartments, cottages, cabins or private houses or other establishments offering rooms for public rental.
- B. Rental license fee and rental tax for motels, hotels, bed-and-breakfast inns or other establishments offering public rental which are subject to paying the State of Delaware accommodations tax.
- C. Rental license fee and rental tax for stores, garages, warehouses or any other commercial buildings or structures which rent or lease space or other facilities.
- ~~D. An annual license fee and taxes.~~ Annual business license fee.
- E. Each vendor stand, stall, vehicle, tent, or similar display per each day of a permitted public event not sponsored by the Town.

§ 90-12. Conditions attached to license; revocation of breach of condition; notice and hearing.

A. Conditions attached to business license. Every license issued under this chapter shall be subject to the following conditions, violation of any of which shall be grounds for immediate revocation of the license in accordance with the procedures set forth herein:

- (1) Every business shall at all times be used and operated only for lawful purposes under, and in accordance with, all governing federal, state, and Town statutes, ordinances, and regulations.
- (2) No amount of money shall be past due and owing the Town on account of any municipal service (e.g., water, trash collection), tax, assessment, fee, penalty or fine, by the business or by the owner(s) of such business. For purposes hereof, the following terms shall be defined as indicated:

BUSINESS - The legal entity to whom the business license is issued (e.g., a sole proprietorship, partnership, corporation, limited liability company, or limited partnership).

OPERATOR or MANAGER - Those persons on the premises having custody and control thereof with authority to supervise other employees on the premises.

OWNER - Includes those persons owning an interest in the business as a sole proprietor, partner, stockholder in a close corporation, or as a member of limited liability company or limited partnership.

PERMITTED PUBLIC EVENT - Any event, not otherwise against any provision of this Code or Town ordinances, which is offered to attract members of the public, including, but is not limited to, any performance, exhibition, exposition, circus, fair, festival, food festival, pageant, regatta, sports event, dance, and lecture, but excluding any yard sale.

PAST DUE - The owner, operator, or manager of the business shall have been provided written notice, via hand delivery or regular mail (postage prepaid, to that address provided to the Town on the business's license application), of the amount(s) due to the Town, the reason(s) for which such amounts are due, and a date (not less than 10 days from the date such notice was hand-delivered or deposited into the U.S. mail) by which such amount(s) must be paid in full.

VENDOR - A person or business entity engaged for profit in the temporary outdoor display, sale, or both, of food, crafts, merchandise, or any combination thereof, at a permitted public event.

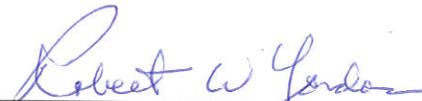
- B. Notice and opportunity to remedy violated condition or to request a hearing. No business license shall be denied or revoked unless written notice of such denial or revocation is provided to the applicant or license holder, either by personal delivery, by commercial courier (e.g., Federal Express, UPS), or by U.S. mail, addressed to the last address provided to the Town by the applicant/license holder, proper postage affixed, stating the reason(s) for such denial/revocation and affording the applicant/license holder an opportunity to remedy the condition violated or to request a hearing before the Town Manager to contest such denial/revocation. Unless a longer time is requested by the applicant/license holder, the Town Manager shall schedule and hold the hearing within five business days of receiving the request. Any person aggrieved by the decision of the Town Manager may appeal to the Town Council in accordance with § 90-5.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 10TH DAY OF MAY, 2016.

SEAL:



ATTESTED:



ROBERT GORDON, MAYOR



VALERIE FADEN, SECRETARY

