

ORDINANCE NO. 19-03

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 90,
ENTITLED "LICENSES," RELATING TO CONDITIONS FOR PERMITTED PUBLIC EVENTS,
INCLUDING TEMPORARY TENTS

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;

WHEREAS, the Town of Millville has adopted a License Ordinance for the municipality, which has been codified in Chapter 90 of the Town Code;

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed public hearing held on May 8, 2018, that the following language hereby is adopted and incorporated into the Town of Millville Code at Chapter 90, entitled "Licenses," as follows:

Additions will be in black bold and underlined.

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

Chapter 90: Licenses

...

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, and state laws and regulations, 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~~ of this section, 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.

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.

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.

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 ~~Manger~~ **Manager** shall schedule and hold the hearing within five business days of receiving the request. Any person aggrieved by the decision of the Town Manger may appeal to the Town Council in accordance with § 90-5.

- C. Conditions attached to permitted public event. Every permitted public event licensed 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:**

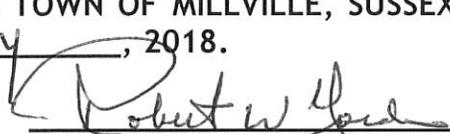
(1) Every permitted public event shall at all times be used and operated only for lawful purposes under, and in accordance with, all governing federal-and state laws and regulations, Town ordinances and regulations, and the reasonable conditions placed upon the permitted public event's license by the Town Manager to protect the health and safety of the attendees; and

(2) The use of a tent for a permitted public event shall also be limited to no longer than 10 consecutive days, including set up and tear down.

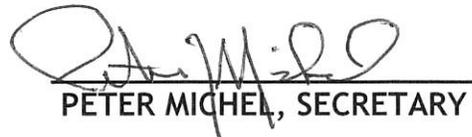
Section 2. Effective Date. This Ordinance shall become effective immediately upon its adoption by Town Council.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8 DAY OF May, 2018.

SEAL:


ROBERT GORDON, MAYOR

ATTESTED:


PETER MICHEL, SECRETARY

SYNOPSIS

This ordinance amends Chapter 90 of the Town Code relating to licenses. Specifically, it adds conditions to permitted public event licenses that are similar to business licenses, and it authorizes the Town Manager to attach reasonable conditions to those licenses to protect the attendees. The ordinance expressly limits the time for which a tent can be up for a permitted public event. The ordinance also makes a few typographical corrections.