
SOUTH BETHANY MEMORANDUM

To: Mayor, Town Council
From: Renee McDorman, Finance Director
Subject: Ordinance 204-21
Date: November 3, 2021
CC: Maureen Hartman, Town Manger

Ordinance 204-21 is being submitted for amendment to allow flexibility in the issuance of Mercantile License forms and Non-Rental/Rental Declaration forms. In the current version of Chapter 84, the issuance of Mercantile Licenses and Rental License has date parameters and does not allow for any flexibility to adjust the dates of issuance or change date parameters. Additionally, section 84-13 does not allow us to distribute the Non-Rental/Rental application any earlier than February of each year.

The approval of this ordinance will remove the language on date parameters and issuance dates. All other requirements for obtaining either a Mercantile or Rental License remain the same.

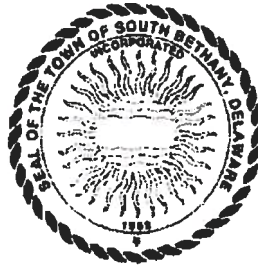
Our goal is to remove language from the code that sets parameters and limits our ability to make internal procedural changes.

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY
CHAPTER 84, LICENCES & PERMITS, ARTICLE I,
MERCANTILE LICENSES, TO UPDATE LANGUAGE
PERTAINING TO MERCANTILE LICENSES, AND
ARTICLE II, RENTERS LICENSES, TO UPDATE LANGUAGE
PERTAINING TO THE DISTRIBUTION OF
RENTAL LICENSE APPLICATIONS**

ORDINANCE 204-21 (FIRST READING)
(Sponsored by Councilmember Tim Shaw)

This ordinance amends Chapter 84 to:

- In Article I, remove mercantile license “valid date” parameters set in section 84-2, (Scope), from the Code of South Bethany to allow the Town the flexibility of setting mercantile license dates.
- In Article I, §84-4, removing references to time periods in the license application.
- In Article II, §84-13, remove the specific month of mail distribution of rental application forms to residents so said forms may be distributed earlier.



ORDINANCE NO. 204-21

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 84, Licenses and Permits, §84-2, §84-4 and §84-13, to update language pertaining to mercantile and rental licenses.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinance be and hereby is amended as follows: (additions are underlined in red text and deletions are bold and ~~marked through~~):

§ 84-2 Scope.

No person shall engage in or carry on any business, occupation and/or activity or use of any wagon, vehicle, stand, store or other place or thing for profit-making purposes without first having obtained from the Town of South Bethany a license for permission to conduct such business, occupation and/or activity and having paid the prescribed fee for such license. Specifically included are all persons, firms, partnerships and corporations engaged for profit in selling any and all products, merchandise or commodities, providing facilities, and/or food or other services within the corporate limits. ~~The Town of South Bethany may issue licenses for the following time periods:~~

- ~~A. An annual license covering the time period from May 1 through April 30;~~
- ~~B. A six-month license covering the time period November 1 through April 30; or~~
- ~~C. A thirty-day license that may be purchased once per fiscal year (May 1 through April 30).~~

§ 84-4. Application. [Amended 4-13-2012 by Ord. No. 161-12]

The application for a license required by § 84-2 hereof shall be made on a prescribed form to the Town of South Bethany. ~~The applicant shall choose the appropriate application form depending on the time period to be covered by the application.~~ Each such application shall specify to whom such license shall be issued and include the following additional information:

- A. The ~~home~~ **name** and business address of the applicant.
- B. If applicant is a partnership, the names, telephone numbers and addresses of the partners.
- C. If applicant is a corporation, the names, telephone numbers and addresses of the principal officers and/or general managers.
- D. A full description of the nature of the business, occupation and/or activity for which a license is desired.
- E. The specific location of the business, occupation and/or activity, including lot and block number, if located within the corporate limits of the Town of South Bethany.
- ~~F. For thirty-day licenses, the start date and expiration date of the thirty-day term to be covered by the license.~~

§ 84-13 Annual license and fee.

- A. There is hereby imposed a requirement for an annual license for each rental property. A fee required for the rental license shall be set by resolution of the Town Council and available in the Town office. The rental license fee shall be paid at the time the application is submitted.
- B. ~~Each February~~ **Annually**, the Town will send all property owners the application for rental license and a nonrental declaration form. Property owners must complete the rental license application or nonrental declaration form, under penalty of perjury, and return the same to Town Hall by the due date specified therein. Parking permits will not be issued until the Town receives a properly completed rental license application or nonrental declaration form.
- C. No property owner shall lease or rent to another any residential or commercial property without first obtaining a valid annual rental license.
- D. No property owner shall advertise to lease or rent to another any residential or commercial property without first obtaining a valid annual rental license.
- E. Rental license applicants shall certify, under penalty of perjury, that all prior rental tax forms have been filed and that all rental tax and penalties due have been paid in full and that all information provided, and statements made in the application are true and accurate.
- F. Anyone having any delinquent tax, penalty, or other financial obligation due the Town shall be denied a rental license until the obligation is satisfied.

Effective date: This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE ____ OF _____ 2021.

SEAL:

Tim Saxon, Mayor

Richard Oliver, Council Secretary

ATTEST: _____

1st Reading: 11/12/2021
2nd Reading:

Sponsored by Councilmember Shaw
MA:JP Ordinance 204-21
First Reading

DRAFT