

ORDINANCE NO. 23

AN ORDINANCE RELATING TO MERCANTILE AND RENTAL UNIT LICENSING.

BE IT ENACTED AND ORDAINED by the Town Council of the Town of Frankford, Sussex County, Delaware, as follows:

Section 1 - No person shall operate, maintain or otherwise engage in any business, occupation or activity designated hereafter in this ordinance without first obtaining a license from the Town. Licenses shall be issued only to businesses, occupations or activities permitted pursuant to the Zoning Ordinance of the Town of Frankford.

Section 2 - The word "establishment" when used in this Ordinance shall mean building or part thereof, or each stand, at or from which any merchandise of commodities are dispensed, or facilities or services provided, to members of the general public.

Section 3 - The word "person" when used in the Ordinance shall include firms, companies, corporations, partnerships, associations, as well as individuals.

Section 4 -

(A) Any person engaged, for profit, in selling any and all merchandise and/or given commodities and/or in providing facilities, services, rental units and/or food service within the Town at or from any given establishment shall pay an annual fee to the Town in the amount of Twenty-five Dollars (\$25.00).

- (1) Fish and vegetable peddler, vendor or solicitor.....(\$5.00).

(B) Any person engaged for profit in renting rooms, cottages, private houses, apartments, motels and hotels within the Town shall pay an annual fee to the Town as follows:

- (1) Apartments, cottages and houses....(\$25.00).
- (2) For each motel or hotel or inn.....(\$25.00).

Section 5 -

(A) Applications for establishment licenses shall be addressed to the Town in writing and verified by oath or affirmation signed by the applicant. Each applicant shall give the following information:

- (1) The home or business address of the applicant;
- (2) If the applicant is a partnership, the names

and addresses of the individuals composing the partnership;

- (3) If the applicant is a corporation, the names and addresses of the principal officers of the corporation;
- (4) A full description of the nature of the business or enterprises for which the license is required;
- (5) A statement that the applicant has complied with all laws and ordinances of the of the Town of Frankford. Falsification or misrepresentation of any statement or activity or the nonpayment of fees, taxes, and/or assessments shall subject applicant to denial or revocation of license.
- (6) For establishments engaged in the sale of alcoholic liquor for on or off premises consumption, such application shall contain a statement under oath that the business or establishment for which said license is sought does and/or will, at all times during which the license is in effect, conform to the documentation so submitted.

Section 6 - No rental license shall be issued for any rental unit under Section 3 of this Ordinance until the applicant shall certify, in writing, on a form prepared by the Town; that:

- (1) Each such rental unit has a functioning smoke detection device and those other safety devices required by the Fire Marshal of the State of Delaware.
- (2) The number of people per unit or building is in compliance with the applicable Housing Code.
- (3) That the licenseholder will maintain the appearance of the dwelling, parking area and grounds.
- (4) That the licenseholder or applicant has not made any misrepresentation of fact in the license application.

Section 7 -

(A) Upon the receipt of an application completed in good order and based upon the presumption in Subsection A above, the Town Clerk or his delegate is authorized to issue a license

and collect an appropriate fee as provided for in Section 1 and Section 4.

(B) Upon the receipt of a written complaint concerning the lack of qualification of any license holder or applicant, the Clerk shall cause an investigation and review of the facts and shall recommend to the Town Council the revocation or suspension of the license or denial of the application.

(C) The Town Council, at the next regular meeting after the filing of a recommendation to revoke, suspend or deny shall consider the recommendation and for just cause may act to implement it. Provided, however, that before an order to revoke, suspend, or deny a license shall take effect, the Town Council shall give notice to the license holder or applicant to appear at the next meeting of the Mayor and Town Council which will be at least fifteen (15) days hence to show cause why the Town Council should not take such action.

Section 8 - No license fee shall be charged for a license issued to a charitable or public service institution, association, club or body not organized and conducted for private gain or shall the Town be charged for licenses.

Section 9 - No license is required of tradesmen who enter the Town to perform services for its citizens or for deliverymen who make deliveries of merchandise or material to its citizens.

Section 10 - No license is required for flea market sales or yard sales conducted on the premises for the sale of personal property owned by the owner or lessee of the land and the principal building located on the parcel where the sale is to be conducted; provided, however, that not more than two(2) flea market sales or yard sales shall be conducted in each calendar year on said premises.

Section 11 - The license year shall begin January 1 and end December 31 of each calendar year.

Section 12 - The Town shall prescribe the form of the establishment license certificate to be issued to applicants and keep full and complete records of all licenses issued and the expiration dates thereof and the license fee charged.

Section 13 - All licenses issued under this Ordinance shall be posted in a public place in the establishment, at the place of business for which it is issued, or as the case may be, shall be carried on the person of the Licensee.

Section 14 - No license shall be issued under this Ordinance to be used upon the premises upon which any taxes, water use charges or assessments due the Town of Frankford are due but not paid.

Section 15 - Annual licenses must be obtained prior to opening, starting or continuing any business, occupation or activity as described in this Ordinance for any license year.

Section 16 - It shall be a condition to the issuance of any and all licenses under this Ordinance that the business, occupation or activity licensed shall be used and operated only for lawful purposes. The right of the Town Council of the Town of Frankford, Delaware, in its discretion to refuse to grant any license and to revoke any license previously granted is hereby specifically reserved.

Section 17 - Whoever shall violate any provisions of this Ordinance shall upon conviction thereof, be subject to a fine not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). 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 Ordinance shall be deemed to be a separate offense.

Section 18 - This ordinance shall become effective and be in full force and effect upon adoption by a majority of the Town Council of the Town of Frankford.

ORDAINED AND ENACTED into law this 3rd day of

January

, A.D. ~~1999~~. 2000

TOWN OF FRANKFORD

BY:

Kay A. Olmstead  
President

ATTEST:

James W. Tomlin  
Secretary