

SUBSTITUE NO. 1 TO ORDINANCE NO. 23-014

AN ORDINANCE TO AMEND CHAPTERS 4, 5 AND 12 OF THE WILMINGTON CITY CODE TO INCREASE CERTAIN FEES

WHEREAS, the City of Wilmington (“City”) is a home rule municipality created pursuant to *22 Del. C.* ch. 8, and, as such, it has all express and implied powers and authority of local self-government and home rule, including the authority to impose various fees and taxes; and

WHEREAS, business license fees, permit fees, inspection fees, application fees and other similar fees secure revenue to assist in defraying the City’s cost of administering and enforcing its laws and the City’s provision of certain municipal services; and

WHEREAS, ordinances related to the imposition of business license fees, permit fees, inspection fees, application fees and other similar fees are intended to protect the health, safety, and welfare of the general public; and

WHEREAS, City Council finds that most of the fees relating to business licensing, permitting and inspections have not been reviewed in many years, nor updated consistent with increasing administrative costs and inflation; and

WHEREAS, City Council desires to soften the impact of the increased license fees upon new small businesses, and businesses providing housing to senior citizens and persons with lower incomes; and

WHEREAS, the City’s Department of Finance, Department of Licenses and Inspections, Department of Land Use and Planning, and Fire Marshal’s Office reviewed said fees and determined that certain business license fees, permit fees, inspection fees, certificate fees, application fees and event fees should be revised due to increased costs associated with administering and enforcing the City Code and regulating businesses; and

**Rev. 1
0288
Sponsors:**

**Council
Members
Johnson
Cabrera
Oliver
Fields
Mills**

WHEREAS, City Council finds it appropriate to increase said fees.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 4 of the City Code is hereby amended to increase certain application fees by deleting the stricken language and adding the underlined language to read as follows:

Section 109.2.7. Fees for certificates and applications.

- (c) For applications to the zoning board of adjustment for permission for any purpose, the fees shall be as follows:
For residential property or use, for each requested variance or special exception ~~\$100.00~~ 150.00
For commercial property or use ~~\$250.00~~ 300.00

SECTION 2. Chapter 5 of the Code is hereby amended to increase certain business license fees by deleting the stricken language and adding the underlined language to read as follows:

Sec. 5-101 – Schedule of Fees

- (a) The following rates shall be annual fees imposed under this article, except as otherwise specifically provided:

Classification/Category	Fee
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Construction:

- Air conditioning contractor ~~120.00~~ 200.00
Asbestos abatement contractor ~~120.00~~ 200.00
Boiler installation contractor ~~120.00~~ 200.00
Cement, concrete, stone, masonry contractor ~~120.00~~ 200.00
Construction manager ~~120.00~~ 200.00
Contractor, subcontractor ~~120.00~~ 200.00
Dish antenna installer 274.00
Electrician, electrical contractor ~~120.00~~ 200.00
Heating contractor ~~120.00~~ 200.00
Mechanical contractor ~~120.00~~ 200.00

Plumbing contractor ~~120.00~~ 200.00
Refrigeration contractor 200.00
Satellite television installer ~~120.00~~ 200.00
Sign, billboard erectors ~~120.00~~ 200.00

Entertainment/recreation:

Billiard/bowling alley ~~181.00~~ 300.00
Circuses, carnivals ~~181.00~~ 300.00
Coin-operated amusement game machines, owning and distributing ~~723.00~~ 1,200.00
Coin-operated amusement game machines, operating one to four machines,
per machine ~~30.00~~ 50.00
Coin-operated amusement game arcade, operating five or more machines ~~181.00~~
300.00
Plus, per machine 30.00
Dance halls/studios ~~181.00~~ 300.00
Disc jockeys ~~181.00~~ 300.00
Health spa/club ~~181.00~~ 300.00
Promoters of sporting events ~~181.00~~ 300.00
Restaurants ~~181.00~~ 300.00
Theatres ~~181.00~~ 300.00
Theatrical booking agency ~~181.00~~ 300.00
Ticket agency ~~181.00~~ 300.00
Miscellaneous entertainment/recreation ~~181.00~~ 300.00

Financial/real estate service:

Banks, trust company ~~723.00~~ 1,200.00
Building and loan association ~~361.00~~ 600.00
Collection agency ~~181.00~~ 300.00
Condominium, conversion of apartments to condominium, per unit 60.00
Credit rating, reporting bureaus ~~181.00~~ 300.00
Finance company ~~181.00~~ 300.00
Holding company ~~120.00~~ 200.00
Investment brokerage firm ~~723.00~~ 1,200.00
Mobile home park operator 602.00
Office/commercial buildings ~~361.00~~ 600.00
Real estate agency ~~241.00~~ 400.00
Real estate agent/broker/appraiser ~~120.00~~ 200.00
Rooming house ~~120.00~~ 200.00
~~One or two~~ Rental dwelling units ~~50.00~~ 100 per unit, unless the rental dwelling units
are used for low-income housing or senior citizen housing, in which case the fee shall
be 100 per unit, not to exceed a fee of 5,000.00. The Departments of Land Use and
Planning, Licenses and Inspections and/or Finance shall promulgate regulations
establishing the procedures and standards for eligibility for the capped fee.
~~Three or more dwelling units (plus an additional \$10.00 for each unit)~~ 120.00
Miscellaneous financial/real estate service ~~181.00~~ 300.00

Market Street Mall activities:

- (1) Outdoor cafe, for six months, per square foot charge
4th to 6th Street 1.20
6th to 8th Street 1.51
8th to 10th Street 1.81
- (2) Special event or commercial/promotional display of merchandise and distribution of information without selling of goods per location, maximum of three days per month 120.00
- (3) Special event or commercial/promotional display or distribution including selling of goods by nonprofit organization, per location, maximum of three days per month No fee
- (4) Sidewalk sale sponsored by Downtown Merchants' Association No fee
- (5) Individual merchant sidewalk sale in location adjacent to his store on the Market Street Mall, for three days per month 30.00
Each day more than three days per month 10.00
- (6) Mobile vendors of edible or nonedible goods using pushcarts, annually per authorized location only from Second to Seventh Streets: the annual fees shall be established by the department of licenses and inspections effective January 1 of each year.

Nonprofessional service:

- Advertising agencies ~~120.00~~ 200.00
- Auctioneers ~~120.00~~ 200.00
- Awning, sales and installation ~~120.00~~ 200.00
- Bath/massage/tanning salons ~~120.00~~ 200.00
- Bail bonds 200.00
- Beauty parlors, barbershop ~~120.00~~ 200.00
- Beautician/Cosmetologists 200.00
- Carpet cleaners ~~120.00~~ 200.00
- Carpet installers ~~120.00~~ 200.00
- Cleaners, dyers, pressers, laundries ~~120.00~~ 200.00
- Commercial sign business ~~120.00~~ 200.00
- Computer services ~~120.00~~ 200.00
- Courier/delivery services ~~120.00~~ 200.00
- Day care centers ~~120.00~~ 200.00
- Direct mail advertising service ~~120.00~~ 200.00
- Employment agencies/contractors ~~120.00~~ 200.00
- Equipment rent/lease ~~120.00~~ 200.00
- Furniture movers, furniture deliverers ~~120.00~~ 200.00
- Furniture upholsterer and cleaners ~~120.00~~ 200.00
- Insurance adjuster ~~120.00~~ 200.00
- Interior designers ~~120.00~~ 200.00
- Janitorial companies ~~120.00~~ 200.00
- Landscaping/Tree services 200.00
- Locksmiths ~~120.00~~ 200.00

Newspaper/magazine subscriptions ~~120.00~~ 200.00
 Pawnbroker ~~120.00~~ 200.00
 Pest control, exterminators ~~120.00~~ 200.00
 Photographers, film processing ~~120.00~~ 200.00
 Printers ~~120.00~~ 200.00
 Reducing salons 120.00
 Repair shop/service ~~120.00~~ 200.00
 Security guards 200.00
 Shutters, sales and installation ~~120.00~~ 200.00
 Tailors ~~120.00~~ 200.00
 Tax preparation ~~120.00~~ 200.00
 Telephone answering service ~~120.00~~ 200.00
 Tutors, training academies, trade schools ~~120.00~~ 200.00
 Vendor under contract with the city at limited event, once per year only..... Waived
 Video film companies ~~120.00~~ 200.00
 Miscellaneous nonprofessional services ~~120.00~~ 200.00

Professional service:

Accountants ~~181.00~~ 300.00
 Architects ~~181.00~~ 300.00
 Chiropractic physicians ~~181.00~~ 300.00
 Consultants ~~181.00~~ 300.00
 Court reporters ~~181.00~~ 300.00
 Dentists ~~181.00~~ 300.00
 Laboratories ~~181.00~~ 300.00
 Lawyers ~~181.00~~ 300.00
 Management of emergency shelter for the homeless ~~164.00~~ 275.00
 Except if by nonprofit organization No Fee
 Nursing homes ~~181.00~~ 300.00
 Opticians ~~181.00~~ 300.00
 Optometrists ~~181.00~~ 300.00
 Physicians, surgeons ~~181.00~~ 300.00
 Physiotherapists ~~181.00~~ 300.00
 Podiatrists ~~181.00~~ 300.00
 Professional engineers ~~181.00~~ 300.00
 Psychiatrists ~~181.00~~ 300.00
 Psychologists ~~181.00~~ 300.00
 Surveyors ~~181.00~~ 300.00
 Undertakers ~~181.00~~ 300.00
 Veterinarians ~~181.00~~ 300.00
 Miscellaneous professional service ~~181.00~~ 300.00

Retailers

Coin-operated merchandise ~~151.00~~ 250.00
 Precious metals ~~151.00~~ 250.00
 Retailers—Edible ~~151.00~~ 250.00

Retailers—Firearms ~~151.00~~ 250.00
Retailers—Mobile food vendor 151.00
Retailers—Nonedible ~~151.00~~ 250.00
Taverns, package stores ~~151.00~~ 250.00

Travel/lodging/automotive:

Auto garage, parking lot ~~181.00~~ 300.00
Auto service clubs, associations ~~181.00~~ 300.00
Auto washing establishments ~~181.00~~ 300.00
Buses, taxis, vehicles for hire, per vehicle ~~60.00~~ 100.00
Gas station, auto repair ~~181.00~~ 300.00
Hotels, motels ~~1,807.00~~ 3,000.00
New, used auto sales ~~181.00~~ 300.00
Towing establishments ~~181.00~~ 300.00
Travel ticket agency ~~181.00~~ 300.00
Vehicle renting ~~181.00~~ 300.00
Miscellaneous travel/lodging/automobile ~~181.00~~ 300.00

Utilities/public service

Distributor newspapers/magazines ~~542.00~~ 900.00
Publishing (less than daily) ~~181.00~~ 300.00
Publishing, newspaper/magazine (daily) ~~903.00~~ 1,500.00
Radio/television broadcasting ~~602.00~~ 1,000.00
Telegraph company ~~602.00~~ 1,000.00
Telephone company, local operator ~~1,807.00~~ 3,000.00
Telephone company sales and service ~~422.00~~ 700.00
Utilities gas/electric ~~3,011.00~~ 5,000.00
Miscellaneous utilities/public service 602.00

Wholesaler/manufacturer/related services:

Cold storage and refrigeration ~~181.00~~ 300.00
Importer, distributor ~~181.00~~ 300.00
Junk/scrap processors ~~181.00~~ 300.00
Manufacturer ~~181.00~~ 300.00
Prefabricated structure manufacturer/supplier ~~181.00~~ 300.00
Sanitation ~~181.00~~ 300.00
Ship chandler 300.00
Storage warehouses ~~181.00~~ 300.00
Wholesaler—Edible ~~181.00~~ 300.00
Wholesaler—Nonedible ~~181.00~~ 300.00
Wholesaler via vehicles ~~181.00~~ 300.00
Miscellaneous wholesaler/manufacturer/related services ~~181.00~~ 300.00

Miscellaneous:

Branch license ~~30.00~~ 50.00
Duplicate license 30.00

Miscellaneous ~~481.00~~ 300.00

(b) Notwithstanding the fees listed in subsection (a), a small business that has been in existence less than three (3) years is entitled to pay the business license fee that was imposed under the Code immediately before its most recent amendment if:

(1) Proof satisfactory to the Department of Finance is submitted that the business has been in existence less than three (3) years and that it is a small business. For purposes of this section, a "small business" is one with 10 or fewer full-time employees.

SECTION 3. Chapter 12 of the Code is hereby amended to increase certain permit fees, inspection fees and event fees by deleting the stricken language and adding the underlined language to read as follows:

Sec. 12-64. - Fees.

(b) The following fees shall be paid to the city fire marshal's office, as agent for the city fire department and department of finance:

(1) *Plan review user fee schedule.* The city fire ~~marshall~~ marshal, through the city fire department, hereby establishes the listed plan review user fees to be paid by the submitter of plans to the city office of city fire ~~marshall~~ marshal.

- a. ~~Effective January 1, 2010 —~~ \$7.00 9.00 for every \$1,000.00 of construction costs up to \$1,000,000.00; ~~\$3.00~~ 5.00 for every \$1,000.00 of construction costs in excess of \$1,000,000.00. There shall be a minimum plan review fee of ~~\$450.00~~ 200.00 on all plans submitted with estimated construction costs of less than \$20,000.00.
- b. Reserved.
- c. Special fees for warehouses: When calculating the fee schedule for warehouses and similar low use buildings, the submitter shall have the choice of using the fee schedule listed in a. above, or, he or she may use the following calculation:
Gross square footage × \$30.00 = Construction cost;
then apply the ~~\$5.00~~ 7.00 per \$1,000.00 construction cost to this calculation.
- d. Revision of fees: The fees as authorized in this section shall be the maximum allowed by the city fire department and shall be reviewed not less frequently than every two years.

e. Surcharge for failure to obtain plan review. If construction proceeds without plan approval, a surcharge of two percent of the total value of construction costs shall be paid. The payment of this surcharge does not relieve the obligation to submit plans to the office of city fire marshal for review. The payment of this surcharge does not relieve the obligation to pay other fees that are required under the City Code or other applicable laws.

- (2) *Permit and event fees required for single events.*
Fun house, haunted house and similar attractions which charge admission ~~\$25.00~~ 50.00
Impairment of fire protection equipment ~~25.00~~ \$50.00
Place of assembly, special events for ~~1,000~~ 300 or more persons attending ~~25.00~~ \$100.00
- (3) *Violations and penalties.* Any failure to pay or refusal to pay any of the fees required by this subsection shall upon conviction be punishable by a fine of not less than ~~\$100.00~~ 200.00 for each failure to obtain a requisite permit or failure to pay the requisite fee for such permit, or both.

(c) In addition to the fees authorized herein, the following fees shall be imposed:

- (1) ~~{License renewal or recertification fees.}~~ For inspections conducted by the city for the department of services for children, youth and their families and for the department of health and social services and for other inspections for similar agencies, the following fees for license renewal or recertification shall be payable by the owner or operator of such facility: ~~\$50.00 for daycare, group home or small facility; for any healthcare facility; and for any high-rise building, as classified by the Wilmington Code.~~
- a. Home daycare (1-6 children), group homes and small facilities ... ~~\$50.00~~ 75.00
- b. Large home daycare (7-12 children), healthcare facility, high-rise building as classified by the Wilmington Code \$100.00
- c. Children Care Centers (12 or more children) \$200.00

There shall be no waivers granted or allowed from the aforesaid fee requirements.

- (2) *Reinspection fees.* In connection with inspections to approve occupancy, or fire alarm systems, or fire suppression systems, or construction and any other circumstances requiring approval prior to commencement of an intended use, the fire department shall require that the person requesting the inspection have the work 100 percent completed prior to

scheduling such inspection; provided, however, that in the event that there is not such 100 percent completion and a rescheduling of inspection is necessary, a fee in the amount of ~~\$100.00~~ 150.00 may be imposed after the first subsequent reinspection and be payable by such person because the applicant or other person requesting the inspection was not ready for such inspection and a reinspection was necessary.

- (3) *Resetting of fire alarm panel.* In any event in which the fire department has been dispatched to a fire, only to find upon arrival that the owner or occupant or tenant has reset a fire alarm panel, and as a result, the fire department is unable to determine which particular device initiated the fire alarm, and a full and complete search of a building is required in order to determine that no fire, in fact, exists, then and in any such event, a fee of \$100.00 shall be assessed to be paid by the owner of the building for the second and each subsequent occurrence within any 12-month period, regardless of who may have reset the subject alarm panel without the approval of the fire department. In any case involving a condominium, the fee shall be assessed and shall be paid by the condominium association.
- (4) *Fire signaling system inspection fee.* For each inspection of a fire signaling system located within the jurisdiction of the city fire marshal conducted by a licensed company pursuant to Delaware State Fire Prevention Regulations, part III, chapter 4, sections 4-8, 4-9, and 4-10, the licensed company shall submit a copy of the certificate of inspection to the office of the city fire marshal, along with a non-refundable fee of \$25.00.
- (5) *Fire suppression system inspection fee.* For each inspection of a fire suppression system located within the jurisdiction of the city fire marshal conducted by a licensed company pursuant to Delaware State Fire Prevention Regulations, part III, chapter 5, sections 5-8, 5-9, and 5-10, the licensed company shall submit a copy of the certificate of inspection to the office of the city fire marshal, along with a non-refundable fee of \$25.00.
- (6) Fire report fee. For each copy of a fire report, the requestor shall pay a fee of \$25.00.
- (7) Mobile food service inspection fee. For each inspection conducted by the city fire marshal to approve a mobile food service, the following fees shall be paid by the owner or operator of such mobile food service:
 - a. Annual inspection ... \$75.00
 - b. Re-inspection ... \$25.00

Sec. 12-99. - Hazardous, explosive, and flammable materials permits.

- (d) Fees. It shall be the duty of the fire marshal, or his duly authorized designee, to issue the following permits after meeting prescribed conditions and payment of indicated fees, subject to any and all other applicable codes and regulations prior to issuance of the permit and for the duration of the activity. All applicable permit fees shall be paid.

FIRE PERMIT FEES

Blasting

- (1) Certificate holder ~~20.00~~ 40.00
- (2) Transportation and storage of explosives ~~25.00~~ 50.00
- (3) Job site per day ~~10.00~~ 100.00

Bulk oil storage (operate) ~~75.00~~ 100.00

Compressed natural gas —Dealer/distributor

- (1) Installation of tank 100.00
- (2) Annual fee ~~50.00~~ 100.00

Filling station (public) ~~25.00~~ 100.00

Fireworks display 50.00

Flammable and combustible liquid tanks

- (1) Underground: installation ~~100.00~~ 150.00
- (2) Aboveground: installation ~~100.00~~ 150.00
- (3) Annual fee: per site ~~25.00~~ 50.00

Fumigation (toxic chemical)—Per application ~~15.00~~ 25.00

Garage (vehicle repair other than filling stations) ~~25.00~~ 50.00

- (1) Fuel dispensing ~~25.00~~ 75.00

Hazardous chemicals —The storage of 500 pounds or 55 gallons of any chemicals listed in the department of transportation's hazardous materials list (including radioactive material) ~~100.00~~ 200.00

Junkyard/Salvage yard ~~50.00~~ 150.00

Liquid propane gas

(a) Dealer/distributor/permanent installation

- (1) Installation of tank 100.00
- (2) Annual fee ~~50.00~~ 100.00

(b) Total capacity of tanks less than 299 water gallons

- (1) Installation of tank ~~50.00~~ 100.00
- (2) Annual fee ~~25.00~~ 75.00

(c) Total capacity of tanks greater than 300 water gallons

- (1) Installation of tank 150.00
- (2) Annual fee 150.00

Lumber storage (dealer) ~~25.00~~ 100.00

Refineries/Re-refineries (as decided by chief of fire or fire marshal) ~~50.00~~
100.00

Sale of small arms ammunition 50.00

Spray booth (flammables and combustibles)

(1) Installation ~~50.00~~ 100.00

(2) Annual fee ~~25.00~~ 100.00

Tents ~~10.00~~ 50.00

Tire storage:

(1) Annual fee 150.00

Welding, cutting, burning

(1) Per site ... 25.00

(2) Annual fee ~~10.00~~ 50.00

Miscellaneous—Permits required but not classified in this schedule are subject to a fee which will be determined by the chief of fire or the fire marshal.

SECTION 4. This Substitute 1 to Ordinance No. 23-014 shall become effective as of July 1, 2023.

First Reading..... March 16, 2023

Second Reading..... March 16, 2023

Third Reading

Passed by City Council,

President of City Council

ATTEST: _____

City Clerk

Approved this ____ day of _____, 2023

Mayor

SYNOPSIS: This Substitute 1 to Ordinance No. 23-014 amends Chapter 4 (Building), Chapter 5 (Businesses) and Chapter 12 (Fire Prevention and Protection) of the Wilmington City Code to increase certain business license, permit, inspection, certificate, application and event fees administered by the Department of Licenses and Inspections, the Department of Land Use and Planning, the Fire Marshal's Office and the Department of Finance in order to defray the cost associated with administering and enforcing the City's laws, and the provision of certain municipal services. The Ordinance excepts from the increased business license fee small businesses that have been in existence less than three years, and it provides a cap to the rental unit business license fee for businesses providing low income and senior housing.

FISCAL IMPACT STATEMENT: Considering the potential administrative costs associated with determining the eligibility for reduced business license fees, the fiscal impact of the City increasing the fees provided for in this Substitute 1 to Ordinance No. 23-04 is estimated to be a gain of approximately \$2.0 million.

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