

**CITY OF NEW CASTLE
220 DELAWARE STREET
NEW CASTLE, DE 19720
302-322-9801**



2018 BUSINESS LICENSE APPLICATION

If your business is located in City Limits of New Castle, you are required to obtain a City of New Castle Business License each year. Please complete the below information and return to the above address together with payment. If this application is received after February 1st, a late fee will be assessed at 10% per month. A Surety Bond may be required per City Code § 156-2 and § 156-3, attached for your reference.

The Building Department currently does not accept credit card payments.

Checks made payable to the City of New Castle and cash are accepted at 220 Delaware Street.

Annual License Fees are as follows

1-3 employees	\$ 40.00 per year
4-8 employees	\$ 75.00 per year
9-20 employees	\$175.00 per year
21+ employees	\$300.00 per year

This includes all employees' not just employees working the job or located in State of Delaware.

Name of Business: _____

Name of Business Owner: _____

Type of Business: _____

Mailing Address of Business: _____

State of Delaware Business License No.: _____

Delaware Skilled Trade No. _____
(Required of all trades licensed by DE (plumbers, electricians, etc.)

Federal Tax ID or Social Security No. _____

Business Phone Number: _____

Business Fax Number: _____

Business E-MAIL Address: _____

Years at this location: _____

Number of Employees (including owner): _____

Applicant Signature and Date: (REQUIRED) _____

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**CHAPTER 156
LICENSES**

§ 156-1 Purpose.

- A. The City Council of New Castle found that it was necessary to determine what businesses were operating within the City of New Castle.
- B. An orderly way to determine whether those businesses are in conformity with the laws of New Castle is to request a license.

§ 156-2 Definitions.

As used in this chapter, the following words shall have the meanings indicated:

BONDED OCCUPATION

Occupations which in the opinion of the City Building Department Director have a reasonable potential for danger to the health and safety of the community, by virtue of their regulation/licensing by the state and/or the nature of the business activity occurring in the city. Such occupations shall include, but not be limited to: cesspool or septic tank installation or maintenance contractor, drain layer, electrical contractor, excavation contractor, fire sprinkler or fire alarm installation contractor, fumigator, fitter, gas appliance installation, refrigeration contractor, general contractor, house wrecker/demolition contractor, roofing, siding or insulation contractor, heating/sheet metal or air conditioning installation or repair contractor, painting contractor, plumber, sewer and water and other utility contractors, sidewalk or cement/masonry installation contractor, highway permit/street obstruction, sign contractors, tree trimmer, well drilling contractors. Other occupations also determined to require bonding include solicitor, transient merchant, insurance claim adjustor or investigator, auctioneer, junk dealer/second hand dealer, peddler, pawnbroker, garbage disposal, public mover, insurance broker.

[Added 6-9-1998 by Ord. No. 382]

BUSINESS

Any and all activities or acts on the part of any person for which it is necessary to obtain a license from the Division of Revenue of the State of Delaware, whether that person has obtained a license or not. Notwithstanding anything to the contrary herein, business shall not include the following occupations, to wit: real estate salespersons, sales representatives, beauticians, except that the firms employing those persons shall be subject to the provisions of this chapter.

PERSON

An individual, partnership, corporation, firm or any other entity doing business.

§ 156-3 License required; bond.

- A. No person shall engage in any business or perform any act in connection therewith or preparatory thereto within the City of New Castle until a license is obtained in accordance with the provisions of this chapter.
- B. Applications for bonded occupations shall be accompanied by a bond in a form acceptable to the Building Department in the amount of \$10,000 and executed by a surety company authorized to transact business in the State of Delaware, as surety, with the applicant as principal obligor, and the City of New Castle as obligee, conditioned that the applicant shall faithfully perform the duties and in all things comply with the Code of the City of New Castle, including all amendments and regulations adopted thereto pertaining to the license or permit applied for, then this obligation to be void, otherwise to remain in full force and effect. The aggregate liability of the surety to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in

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force, shall in no event exceed the amount of the bond. The bond may be terminated at any time by the surety upon sending notice in writing to the obligee and to the principal, and at the expiration of 30 days from the mailing of said notice, this bond shall terminate and the surety shall thereupon be relieved from any liability for any acts or omissions of the principal subsequent to that date. A waiver of the bonding requirement may be granted by the city Building Department Code Official, upon written application, when, in the opinion of the Code Official, the nature of the particular business activity itself does not have a reasonable potential for danger to the health and safety of the community, or the value of the particular business activity is so small as to pose an insignificant risk to the health and safety of the community. When a waiver is granted for any construction activity, each subsequent building permit applied for will require approval of an additional written application for a waiver of the bonding requirement, or the submission of an acceptable bond. [Added 6-9-1998 by Ord. No. 382]

§ 156-4 Application for license.

- A. Any person desiring to engage in any business carried on or engaged in within the city shall apply to the city office for a license on a form to be supplied by the city office. The application shall be prepared by the applicant, in writing, and shall state all required information under oath.
- B. The facts contained in the application shall be as of January 1 in the year the application is made.
- C. Each license issued shall state upon the face thereof:
 - (1) The person to whom the license is issued, and his or her employer identification number or social security number.
 - (2) The kind of business, profession, pursuit or calling licensed thereby.
 - (3) The location of such business.
 - (4) The date of expiration of such license.
- D. On the back of said license shall be the following words:

§ 156-5 Fees.

Every business, as defined in § 156-2, shall pay an annual city license fee, which will be set by the City Council from time to time.

§ 156-6 Duration of license.

Licenses shall be for a period of one year running from January 1 through December 31.

§ 156-7 Conditions for issuance.

- A. No license shall be issued unless the business for which the license is being issued complies with the provisions of Chapter 230, Zoning, and all other ordinances, regulations or laws of the City of New Castle.
- B. Notwithstanding Subsection A of this section, no license issued under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business under the laws of the State of Delaware or the City of New Castle.

§ 156-8 Posting of license.

Every licensee shall post his/her license in a conspicuous place where the license may be readily seen in his/her place of business.

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§ 156-9 Penalty for failure to pay license fee.

In the event that any person shall fail to pay a license fee when required under this chapter, a penalty of 10% per month on the original fee shall be exacted. All license fees shall be payable before January 1 for the year for which they are issued.

§ 156-10 Violations and penalties.

Any person operating a business within the City of New Castle without a license shall be fined not more than \$100. Each day a person is in violation shall constitute a separate offense.

§ 156-11 Legislative intent.

It is the intent of this chapter to regulate businesses, and not the employees of those businesses. A license shall not be required by the employee, so long as the business obtains a license.

“This license does not constitute a permit to carry on any business, profession, pursuit or calling for which the Statutes of the State of Delaware require a permit. This license is only permission to operate the indicated business within the city limits of New Castle.”

BOND WAIVER APPLICATION

BOND WAIVER: A waiver of the bonding requirement may be granted by the Building Official, upon written application, when, in the opinion of the Building Official, the nature of the particular business activity itself does not pose a danger to the health and safety of the community, or the value of the particular business activity is so small as to pose an insignificant risk to the health and safety of the community. When a waiver is granted for any construction activity, each subsequent building permit applied for will require approval of an additional written application for a waiver of bonding requirement or the submission of an acceptable bond.

Name of Applicant: _____

The applicant listed above request a waiver of the bonding requirement as a condition of a 2018 Business License Application for the following reason:

- The particular business activity itself does not have a reasonable potential for danger to the health and safety of the community.
- The value of the particular business activity is so small as to pose an insignificant risk to the health and safety of the community.

Authorized Signature: _____ Date: _____

*Ordinance No. 156 can also be viewed <http://newcastlecity.delaware.gov/city-code/>