

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE**

Ordinance No. 12-0716-01

**ORDINANCE TO ESTABLISH LICENSING PROCESS
FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
ON THE CITY OF DELAWARE CITY PROPERTY**

Chapter 5 – Public Places, Playgrounds and Ballfields

Chapter 25 – Alcoholic Beverages and Drugs

The City of Delaware City

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (“Charter”), and pursuant to the “Powers of the City,” outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City (“City Council”) possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code; and

WHEREAS, the Mayor and City Council desire to: 1) modify Chapter 5, Article I, Section 5-4; 2) modify Chapter 25, Article I, Section 25-1; and 3) adopt Chapter 25, Article I, Section 25-1(A) (“Proposed Code Sections”); and

WHEREAS, the Mayor and City Council desire the Proposed Code Sections to become a part of The City of Delaware City Code as set forth below; and

WHEREAS, the Mayor and City Council believe establishing a licensing process for consumption of alcoholic beverages on property belonging to The City of Delaware City is socially responsible, and is in the best interest of The City of Delaware City; and

WHEREAS, pursuant to Article V, Section 5-02(B) of the Charter, the Proposed Code Sections were introduced by a member of Council at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

NOW, THEREFORE, the Mayor and the City Council of The City of Delaware City hereby ordain:

Section 1. Chapter 5, Article I, Section 5-4 of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language and shall read as follows:

Section 5-4 Alcoholic Beverages and Drugs Prohibited

Alcoholic liquors, beverages, and any kind of narcotic drugs are prohibited on any City recreational lands, except as permitted by Chapter 25 of The City of Delaware City Code.

Section 2. Chapter 25, Article I, Section 25-1 of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language and shall read as follows:

Section 25-1 In General

It shall be unlawful for any person to drink, use or partake of any alcoholic beverages, narcotics or any other drug, not administered or prescribed to be taken by a physician, on the streets, sidewalk, parks or any other public place within the city limits of the City of Delaware City at any time, except as authorized by Chapter 25, Section 25-1(A) of The City of Delaware City Code.

Section 3. A new Chapter 25, Article I, Section 25-1(A), upon an affirmative vote of the City Council, is hereby adopted as The City of Delaware City Code and shall read as follows:

Section 25-1(A) Alcoholic Beverage Permit

1. The sale and consumption of alcoholic liquors and beverages shall be permitted on a case-by-case basis for only City-sponsored or co-sponsored events. The serving or sale of alcoholic liquors and beverages shall strictly comply with all requirements of the State of Delaware, Division of Alcohol and Tobacco, the provisions of the Delaware Code, and all other applicable laws.

2. The City Manager shall review and approve all requests to serve and/or sell alcoholic liquors and beverages for consumption on City recreational lands for City-sponsored or co-sponsored events authorized in paragraph 1 above. The City Manager

may develop a City policy for the requirements for obtaining a permit to serve alcoholic liquors and beverages on City-owned lands. The City Manager shall have the authority to charge a license fee for such events, not to exceed \$25.00.

Section 4. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 5. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by a majority vote of the City Council.

(Signature page follows)

Attest:

Approved:

Secretary

Mayor

Approved:

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Approved as to form:

City Solicitor

First Reading: July 16, 2012

Second Reading and Adoption: