

Ordinance 207-22

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY,
CHAPTER 56, COMMERCIAL ESTABLISHMENTS,
§56-3, DEFINITIONS
ORDINANCE 207-22 (SECOND READING)
(Sponsored by Mayor Tim Saxton)**

This ordinance amends Chapter 56, Commercial Establishments, §56-3, Definitions, Restaurant B., **to remove:** A minimum of 85% of the patron area, exclusive of restrooms, must be permanently committed to seated dining.

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ORDINANCE 207-22 (SECOND READING)

AN ORDINANCE TO AMEND The Code of the Town of South Bethany, Chapter 56, Commercial Establishments, §56-3, Definitions, Restaurant B. A minimum of 85% of the patron area, exclusive of restrooms, must be permanently committed to seated dining.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 56, Commercial Establishments, §56-3, Definitions be amended as follows:

Note: Deleted wording will be displayed in ~~**Bold with a strikeout line.**~~ New wording will be in **bold and the color red.**



ORDINANCE NO. 207-22
AMENDMENTS TO CHAPTER 56,
COMMERCIAL ESTABLISHMENTS §56-3, DEFINITIONS
(SECOND READING)

§ 56-3 Definitions.

For the purpose of this chapter, the following terms shall be defined as follows:

ALCOHOLIC BEVERAGE(S)

Includes the four varieties of liquors defined in 4 Del. C. § 101 (alcohol, spirits, wine or beer), as that statute may from time to time hereafter be amended, or in accordance with any future corresponding provision of law, as well as every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, and any liquid or solid containing more than one of the four varieties defined in such statute shall be considered as belonging to that variety which usually has the higher percentage of alcohol.

BAR

A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. "Bars" includes taverns, taprooms, nightclubs, lounges, cabarets, private clubs, bottle clubs and similar facilities serving alcoholic beverages. Bars are not allowed in the Town of South Bethany in a C-1 Commercial District. A service bar is not a bar as herein defined.

EATERY

A commercial enterprise whose primary activity is walk-up or carry-cut food service. Alcoholic beverages shall not be sold, dispensed or consumed on such premises.

OUTSIDE SERVICE AREA

A porch, patio deck or area of land which is not within the permanent outside walls of a restaurant. Outside service areas are limited to four tables.

PATRON AREA

That area of a restaurant establishment open to the public, and exclusive of kitchen and storage area.

RESTAURANT

A commercial establishment whose primary activity is food service, subject to the following requirements:

- A. Seated dining for 35 or more patrons must be provided.
- ~~B. A minimum of 85% of the patron area, exclusive of restrooms, must be permanently committed to seated dining.~~
- ~~B~~**B**. In the area designated for seated food service, alcoholic beverages may be served to seated dining patrons only.
- ~~D~~**C**. No stand-up consumption of alcoholic beverages is permitted.
- ~~E~~**D**. All tables and chairs and booths shall be maintained and located in an accessible and usable configuration at all times.
- ~~F~~**E**. Kitchen facilities shall be under the direction of a chef or cook.
- ~~G~~**F**. No more than one service bar shall be permitted for each 750 square feet of dining area.

SEATED DINING

That portion of the patron area designated and used primarily for the service and consumption of food while seated at tables and chairs or booths.

SEATED DINING PATRON

A customer of a restaurant who is seated in the seated dining portion of the patron area for the purpose of ordering and consuming food served by the restaurant.

SERVICE BAR

A bar, countertop, table, platform or other substantially flat surface, not exceeding five feet in length, behind and upon which alcoholic beverages are prepared by employees of the restaurant for delivery to seated dining patrons by employees of the restaurant. Restaurant patrons shall not be served alcoholic beverages at any service bar.

STAND-UP CONSUMPTION OF ALCOHOLIC BEVERAGES

The consumption of alcoholic beverages by any person other than a seated dining patron in the seated dining area of a restaurant. The stand-up consumption of alcoholic beverages in a restaurant is not allowed in the Town of South Bethany.

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

Ordinance 207-22

ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SOUTH BETHANY ON THE 8th DAY OF July 2022.

SEAL:

Timothy D. Saxon, Mayor

Richard Oliver, Council Secretary

ATTEST: _____

1st Reading: 6/13/22

2nd Reading: 7/8/22

Sponsored by Mayor Saxton
TS:jp Ordinance 207-22
First Reading 06.13.22
Second Reading 7.8.22