

**Town of Dewey Beach**  
**Business License Application**  
**For Restaurants /Eateries/Bars/Taverns**  
 License Year May 1, 2024 – April 30, 2025

Every entity doing business in Dewey Beach must complete and return this form by April 30<sup>th</sup> if an ongoing business, or prior to start of business if new to Dewey Beach. The penalty for conducting business in Dewey Beach without a Town Business License is a late fee of 10% of the fee owed, plus a fine of \$500.00, in addition to the cost of the appropriate Business License.

**Fee Schedule**

- Restaurants/Eateries/Bars/Taverns: \$359.00 base fee, plus \$10.00 per person based on the State of Delaware Fire Marshal determined capacities where food and beverages can be served, plus any seated dining capacity for which Fire Marshal determinations are not available. This includes any decks and outdoor seating. For facilities without Fire Marshal rated capacity, use existing seating capacity as reported to and approved by the Town of Dewey Beach including decks and outdoor seating.

Your application will not be accepted without payment. Make checks payable to The Town of Dewey Beach. Complete this form and payment online at [www.townofdeweybeach.com](http://www.townofdeweybeach.com).

Business Name		Applicant Full Name	
Business Location Address		City	State      Zip
Business Mailing Address (if different from above)		City	State      Zip
Phone Number (Business)	Phone Number (Cell)	Email	
If Applicable, List Any and All Corporate Entities			
State of Incorporation	State Business License No.	Tax ID No.	Upload Insurance and State License Document

Restaurant, Eatery, Bar or Tavern Located in Dewey Beach	Seating Capacity: <i>(If no Fire Marshal rated capacity, use existing seating capacity including decks and outdoor seating.)</i> Upload copy of State of DE Fire Marshal Occupancy Certificate: Dept. of Health Cert. No: Total Due:
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**For Restaurants & Eateries Only, Select One:**

**I am operating a Restaurant With or Without an ABCC License**

As per Chapter 185-25.D(1)(a)[1] of the Town Code, a RESTAURANT is defined as a commercial establishment whose primary activity is the service of complete meals from a representative menu. Restaurants in Dewey Beach are subject to the following criteria:

- a. Seated dining for thirty-five (35) or more patrons must be provided.
- b. A minimum of 80% of the patron area, exclusive of kitchens, storage areas, offices, outside service areas and restrooms, must be permanently committed to seated dining, and said seating areas may not be altered, moved, or removed.
- c. A maximum of 20% of the patron area, exclusive of kitchens, storage areas, offices, outside service areas and restrooms, may be designated as bar areas where seated and stand-up consumption of alcoholic beverages by patrons is permitted.
- d. In the area designated for seated food service, alcoholic beverages shall only be served to dining patrons.
- e. No stand-up consumption of alcohol beverages in the area designated for seated food service is permitted.
- f. All tables and chairs shall be maintained in the configuration shown in the approved conditional use application.
- g. If the bar area is separated from the dining area by walls or partitions, the number of patrons in the bar area cannot exceed the Fire Marshal occupancy limit for that area.
- h. Kitchen facilities shall be under the direction of a chef or cook.

If your restaurant has an outside service area, you are subject to the following:

A porch, patio, deck or area of land which is not within the permanent outside walls of a restaurant or eatery, which is used for seated dining only, and provided that there be no stand-up consumption of alcoholic beverages, that there shall be no external speakers or amplifiers on the patio, that no internal speakers from the premises are to be directed to the outside service area and that the area shall be cleared of patrons by 11:00pm.

The business listed above is in compliance with all of the above provisions and is applying for a Dewey Beach business license as a CONFORMING restaurant.

The business listed above is NOT in compliance with all the above provisions, but was in existence prior to April 11, 1992 and is applying for a Dewey Beach Business License to continue operations as a NON-CONFORMING (grandfathered) facility as per Chapter 185-25(1)(c) of the Town Code.

**I am operating an Eatery**

As per Chapter 185-25.D(1)(a)[4] of the Town Code, an EATERY is defined as a commercial enterprise located within a building or portion thereof set aside for the preparation and carry-out sale and/or eat-in service of food and beverages, excluding alcoholic beverages, and which has been approved by the Town Commissioners as a Conditional Use. Eateries in Dewey Beach are subject to the following criteria:

- a. Alcoholic beverages shall not be served, nor shall foods containing or infused with alcohol be served.
- b. If indoor seating is provided, it shall be limited to a maximum of thirty-five (35) patrons.
- c. A minimum of one handicap unisex restroom shall be provided. Said restroom shall have unimpeded access directly from the public area of the eatery and not through the food preparation area or storage area.
- d. If outdoor or unenclosed tables or chairs are provided by the eatery, the hours of operation of the outdoor or unenclosed area shall not extend beyond 11:00pm.
- e. Outside loud speakers for the amplification of sound shall not be permitted.
- f. Portable toilets are prohibited.
- g. Hours of operation shall not be earlier than 6:00am and not after 1:00am.

The business listed above is in compliance with all of the above provisions and is applying for a Dewey Beach business license as an Eatery.

The business listed above was properly licensed for business in Dewey Beach prior to April 10, 1997, has been properly licensed every year since 1997, and is applying for a Dewey Beach business license to continue operations as a non-conforming eatery.

**I hereby agree to abide by the Dewey Beach Code as it relates to the operation of my business. All information provided above is true and correct to the best of my knowledge.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_