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RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF DEWEY BEACH AUTHORIZING TEMPORARY BAY BEACH DINING FOR THE LIGHTHOUSE RESTAURANT PURSUANT TO SECTION 10 OF THE SUBAQUEOUS LANDS LEASE BETWEEN DEWEY BEACH ENTERPRISES AND THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

WHEREAS, Dewey Beach Enterprises is the lessee under a Subaqueous Lands Lease with the Delaware Department of Natural Resources and Environmental Control (“DNREC”) for certain subaqueous lands located along the Rehoboth Bay within the Town of Dewey Beach; and

WHEREAS, Section 10 of said Subaqueous Lands Lease provides that tables and chairs may be temporarily placed upon the beach area covered by the lease, provided that a permit is first obtained from the Town of Dewey Beach; and

WHEREAS, The Lighthouse Restaurant, operated in conjunction with Dewey Beach Enterprises and located along the bay beach in the Town of Dewey Beach, has requested permission to place tables and chairs upon the bay beach area for the purpose of outdoor dining; and

WHEREAS, the Mayor and Commissioners find that permitting seasonal bay beach dining will enhance the recreational and dining experience within the Town, while remaining consistent with the terms and conditions of the Subaqueous Lands Lease and applicable Town regulations; and

WHEREAS, such authorization should be limited in duration and subject to compliance with all applicable laws, lease conditions, and any additional requirements imposed by the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Town of Dewey Beach, duly assembled, as follows:

1. Authorization Granted. The Town hereby authorizes The Lighthouse Restaurant to place tables and chairs upon the bay beach area covered by the Subaqueous Lands Lease between Dewey Beach Enterprises and DNREC, pursuant to Section 10 of said Lease.
2. Term. This authorization shall be effective from May 1, 2026 through October 31, 2026, unless otherwise revoked or modified by action of the Mayor and Commissioners.
3. Seating Limitation. Total seating on the bay beach shall not exceed forty-four (44) persons at any time.
4. Conditions.
 - a) All tables, chairs, and related furnishings shall be maintained in a safe and orderly condition.

- 38 b) Adequate access shall be preserved for pedestrian passage and emergency services.
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40 c) The placement and use of tables and chairs shall comply with all applicable provisions of the
41 Town Code, lease requirements, DNREC regulations, and any other applicable federal, state,
42 or local laws.
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44 d) The Lighthouse Restaurant shall maintain compliance with applicable Town Code
45 requirements as set forth in 185-25D(1)(a)[3]:
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47 • There shall be no stand-up consumption of alcoholic beverages.
48 • There shall be no external speakers or amplifiers.
49 • Any interior speakers on the premises shall not be directed toward such outside
50 service area(s).
51 • The area shall be cleared of patrons by 11:00 p.m.
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53 e) No live entertainment is permitted in the outside service area.
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55 f) No smoking is permitted in the outside service area.
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57 g) Access to the outside service area will be restricted by entrance and exit controls and
58 sufficient staff to control the distribution of alcoholic beverages.
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60 h) All authorizations contained herein are subject to and conditioned upon compliance with
61 applicable state law and relevant state agency approvals.
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63 i) This authorization may be revoked at any time upon a finding of noncompliance or if
64 deemed necessary for the protection of public health, safety, or welfare.
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66 5. Fee. The Lighthouse Restaurant shall pay the Town of Dewey Beach a fee of twenty-five (\$25)
67 per seat, based on the authorized maximum of forty-four (44) seats, for a total fee of one
68 thousand one hundred dollars (\$1,100) for the 2026 season.
69
70 6. No Property Right Conveyed. This Resolution constitutes a permit for seasonal use only and does
71 not convey any property interest or exclusive right in public lands.
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73 Approved by majority vote of the Dewey Beach Town Council on March 20, 2026.
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Mayor, William Stevens

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Town Manager, Bill Zolper
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