



Resolution No. _____

**RESOLUTION IMPOSING A MORATORIUM ON THE EXPIRATION OF
TEMPORARY EXPANSIONS OF PREMISES FOR RESTAURANT AND EATERY
ESTABLISHMENTS.**

WHEREAS, in response to the Covid-19 pandemic, the Governor of the State of Delaware declared numerous states of emergency beginning in March 2020 which expired on March 31, 2022; and

WHEREAS, for purposes of promoting the benefits of social distancing, iterations of the Governor's states of emergency-imposed restrictions on restaurant establishments that limited their permissible occupancy as established by the State Fire Marshal; and

WHEREAS, economic harm attributable to occupancy limitations threatened the financial interests of the restaurant industry as a whole, including employees thereof as well as those businesses which indirectly serve the industry; and

WHEREAS, in response to the above concern the Delaware General Assembly authorized the Commissioner of the Alcohol Beverage and Control to permit its licensees to expand their respective patron areas into available outdoor areas given approval of local zoning authorities; and

WHEREAS, restaurants and eateries operate under the zoning authority of Dewey Beach as either conditional uses or legal nonconforming establishments without regard to whether they serve alcoholic beverages; and

WHEREAS, local zoning ordinances restrict establishments from serving patrons in areas other than those designated and approved as such; and

WHEREAS, the town of Dewey Beach has authorized the grant of temporary expansions by the Town Manager to coincide with the Governor's declarations of states of emergency; and

WHEREAS, the general public has expressed to the Commissioners of Dewey Beach their preference for outside dining options so as to promote and enhance the health benefits of social distancing while simultaneously returning to normalcy.

NOW THEREFORE BE IT RESOLVED, a majority of the Commissioners of the Dewey Beach concurring thereto, as follows:

The existing town policy authorizing the Town Manager to grant applications for temporary expansions by restaurants and eateries (without respect to whether they are licensees of the ABCC) shall be extended and remain in force through _____, 2022. Duly authorized temporary expansions may remain in force until _____, 2022.

SO RESOLVED, this 18th day of March 2022.

William Stevens, Mayor

Bill Zolper, Town Manager