501 (Formerly Rule 4) A Rule Requiring Certain Information by Persons Desiring to Make Application for a License to Sell Alcoholic Liquor

Any person proposing to make application for a license to sell alcoholic liquor shall first obtain from and submit to the Commissioner a form requesting such permission together with a certification from the appropriate governmental authorities that the location and building for which a license will be applied conforms with zoning ordinances allowing the sale of alcoholic liquor and with building ordinances.

19 DE Reg. 775 (02/01/16)

502 (Formerly Rule 41) A Rule Requiring an Additional Deposit on Certain Applications for a License

Any applicant for a license that requests a continuance for a hearing shall pay all costs necessitated by the continuance.

19 DE Reg. 775 (02/01/16)

503 (Formerly Rule 21) A Rule Providing Specifications For All On-Premises Establishments

1.0 Approval of Conditions of Premises

Before issuance of a license or renewal of license to sell alcoholic liquor in an on-premises establishment, the premises must be approved as to condition by the Commissioner through an inspection by the DATE or employees of the Commissioner's staff.

2.0 The following general rules shall govern with respect to on-premises establishments:

2.1 Each dispenser of alcoholic beverages shall bear the name of the product dispensed therefrom.

2.2 On-premises establishments shall maintain standards consistent with the requirements of the Division of Public Health or the appropriate local agency having similar jurisdiction in the service of drinks and food, if applicable, including normal standards of cleanliness and shall have proper facilities for the cleansing of reusable utensils, glasses, dishes, etc.

2.3 An area where alcoholic liquor is sold, served, dispensed or consumed shall be visible from the outside and shall be sufficiently lighted so as to permit the viewing of persons on the premise at all time that patrons and/or employees are on the premises, whether during or outside of normal operating hours.

2.3.1 The provisions of this section shall not apply to the rooms of a hotel.

2.3.2 The Commissioner may, for cause and upon request, grant a variance to the requirement.

2.4 If other parts of the building in which an on-premises establishment is located are occupied as living quarters, there shall be no doors communicating with the licensed areas unless authorized in writing by the Commissioner:

2.5 Adequate, separate and secure storage facilities approved by the Commissioner must be available on the licensed premises for the storage of all alcoholic liquors for establishments operating during prohibited hours of sale.

2.6 The approved hours and days of operation must be posted in a conspicuous place in order that all customers may be properly informed.

2.7 Decals purchased through the Commissioner, stating the legal drinking age in the state and warning pregnant women of the risk of birth defects from the consumption of alcoholic beverages must be conspicuously displayed at each entrance to the premises.
2.8 The license for the current year must be posted in a conspicuous place on the licensed premises.

2.9 (Formerly Rule 22) All alcoholic liquors shall, within one-half hour after legal sales of alcoholic liquors cease, be placed in adequate storage facilities out of reach of patrons.

19 DE Reg. 775 (02/01/16)

504 (Formerly Rule 11) A Rule Providing Specifications for Stores and Off-Premises

1.0 Approval of Conditions of Premises

1.1 Before issuance of a license to sell alcoholic liquors in a store, the premises must be approved as to conditions by the Commissioner through an inspection by the DATE or employees of the Commissioner staff.

1.1.1 All parts of the premises must be kept clean. Cellars, basements and yards must be neat and free of rubbish.

1.1.2 If other parts of a building in which a store is located are occupied as living quarters, there shall be no doors communicating with the store unless authorized in writing by the Commissioner.

1.1.3 All parts of the rooms where alcoholic liquor is sold shall be visible from the street unless a variance is granted by the Commissioner in writing.

1.1.4 Licensee shall operate a minimum of ten (10) hours per day, except Sundays, unless a variance is granted in writing by the Commissioner.

1.1.5 The approved hours and days of operation must be posted in a conspicuous place in order that all customers may be properly informed.

1.1.6 Decals, purchased through the Commissioner, stating the legal drinking age in the State and another warning pregnant women of the risk of birth defects from the consumption of alcoholic beverages must be conspicuously-displayed at each entrance to the premises.

19 DE Reg. 775 (02/01/16)

505 (Formerly Rule 60) A Rule Concerning Issuance of Temporary Licenses

1.0 Temporary Licenses

1.1 Temporary licenses may be issued to applicants for an on-premises license upon submission of properly filed application forms.

1.2 Temporary licensees shall be required to make all purchases of alcoholic liquor on a C.O.D. basis.

1.3 The denial of a permanent license by the Commissioner, after a hearing, shall automatically revoke the temporary license.

1.4 The filing of a timely protest may, in the discretion of the Commissioner, result in the revocation of the temporary license.

1.5 The license fees for the three-month temporary licenses and a Sunday license shall be one-half of the annual fee for such licenses. No portion of such temporary license fees shall be refunded upon the surrender or revocation of the temporary license.

1.6 Temporary licenses shall be surrendered to the Commissioner within ten days of approval of the application for a permanent license.

19 DE Reg. 775 (02/01/16)

506 (Formerly Rule 63) A Rule Clarifying the Advertising Requirements for 4 Del.C. §524

For the purpose of clarifying 4 Del.C. §524, one of the notices shall appear in a Delaware daily or weekly newspaper circulated within a five-mile radius of the premises to which the license is to apply. The other notice shall appear in any other Delaware newspaper circulated within the county in which the license is to apply.

19 DE Reg. 775 (02/01/16)