TOWN OF DEWEY BEACH

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ORDINANCE NO. 373

AN ORDINANCE TO AMEND THE DEFINITION OF A CABARET AS PROVIDED IN CHAPTER 2, SECTION 202 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO PROHIBIT SUNDAY OPERATIONS

WHEREAS, on March 19, 1994, the Town Commissioners, intending to ordain that all establishments licensed as cabarets by the Delaware Alcoholic Beverage and Control Commission be approved as a Conditional Use, enacted Ordinance 289, which provided that "cabarets" be approved as a conditional use in a RB - Resort Business District; and

WHEREAS, on or about July 7, 1995, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach, the Dewey Beach Commissioners adopted Ordinance No. 328 to amend Section 202 of Chapter 2 to provide for a definition of "cabaret" which tracks the definition designated by Delaware Laws; and

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach, it is appropriate to amend Section 202 of Chapter 2 to amend the definition of "cabaret" to designate that a cabaret shall no conduct operations on Sundays:

NOW THEREFORE;

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that:

Section 1. Chapter 2, Section 202 is hereby amended by adding the following sentence to the definition of cabaret..."No cabaret shall be open on Sunday"... so that the amended definition shall read:

"Cabaret" - a commercial enterprise as defined by and licensed by the Delaware Alcoholic Beverage and Control Commission pursuant to 4 Del. C. Sections 101 (6) et seq., which presently defines "cabaret" as ..."an establishment where patrons are entertained by performers who dance, sing, play instruments or perform other legal acts for entertainment, but not to include a dinner theater, and where such entertainment may be performed during or after service of dinner, and where a minor, as defined in §708 of this title, is to be denied admission to or permission to remain on premises after 9:00 pm (official Eastern Time) unless accompanied by a parent or by a legal guardian." No cabaret shall be open on Sunday.

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Ordained and enacted into law this 10 day of May, 1997.

R. G. Frederick
Robert G. Frederick, Mayor

W Rutherford
William Rutherford, Town Mgr.