

**Attachment B**

This form shall be submitted with any Business License Application from Non-alcohol serving Restaurants and Eateries.

**Eatery (as per Section 1-16 of the Town Code)**

A commercial enterprise or any portion thereof which prepares and/or serves walk-in or carry-out food and which has been approved by the Town Commissioners as a conditional use pursuant to Chapter 185, § 185-25D(1)(a)[4] of this Code. Approval of an eatery shall be subject to the following requirements in addition to any conditions established by the Commissioners:

1. Alcoholic beverages shall not be served.
2. If indoor seating is provided, it shall be limited to a maximum of thirty-five (35) patrons.
3. A minimum of one handicapped unisex rest room shall be provided. Said rest room shall have unimpeded access directly from the public area of the eatery and not through the food preparation area or storage area.
4. 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 11:00 pm.
5. Outside loud speakers for the amplification of sound are prohibited.
6. Portable toilets are prohibited.
7. Hours of operation shall not be earlier than 5:30 am and not after 1:00 am.

**Applicant's Statement**

I. The \_\_\_\_\_ is in compliance with all the above provisions and is applying for a Dewey Beach Business License as an Eatery or Non-alcohol-serving Restaurant. The Fire Marshal's occupancy limit is \_\_\_\_\_.

Signed: \_\_\_\_\_

II. The \_\_\_\_\_ agrees that the hours of operation of this establishment shall not be earlier than 5:30 am nor later than 1:00 am, but is otherwise not in compliance with the above provisions and is applying for a Dewey Beach Business License as an Eatery or Non-alcohol-serving Restaurant. The Fire Marshal's occupancy limit is \_\_\_\_\_.

Signed: \_\_\_\_\_

III. The \_\_\_\_\_ 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 nonconforming Eatery. The Fire Marshal's occupancy limit is \_\_\_\_\_.

Signed: \_\_\_\_\_