

Chapter 25
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History: Article I was from Ordinance 9013¹ (adopted September 8, 1969) and Article II was from Ordinance 9010 (adopted December 4, 1961).

¹ As amended by ordinance 9013-A (adopted September 23, 1991).

Article I Use of Alcoholic Beverages or Drugs in Public Places

Section 25-1 In General

It shall be unlawful for any person to drink, use or partake of any alcoholic beverages, narcotics or any other drug, not administered or prescribed to be taken by a physician, on the streets, sidewalk, parks or any other public place within the city limits of the City of Delaware City at any time, except as authorized by Chapter 25, Section 25-1(A) of the City of Delaware City Code.

Section 25-1(A) Alcoholic Beverage Permit

1. The sale and consumption of alcoholic liquors and beverages shall be permitted on a case-by-case basis for only City-sponsored or co-sponsored events. The serving or sale of alcoholic liquors and beverages shall strictly comply with all requirements of the State of Delaware, Division of Alcohol and Tobacco, the provisions of the Delaware Code, and all other applicable laws.

2. The City Manager shall review and recommend disposition of all requests to serve and/or sell alcoholic liquors and beverages for consumption on City recreational lands for City-sponsored or co-sponsored events authorized in paragraph 1 above. The City Manager may develop a City policy for the requirements for obtaining a permit to serve alcoholic liquors and beverages on City-owned lands. The City Manager shall have the authority to charge a license fee for such events, not to exceed \$25.00. The foregoing notwithstanding, no permit shall issue until all requirements of State, Federal and local law are met, and the City Council must approve all applications for the sale and consumption of alcoholic liquors and beverages before a permit may issue pursuant to this section. The City Council shall not issue more than two (2) permits per year for City sponsored or co-sponsored events where alcoholic liquors and/or beverages are served on City owned lands.²

Section 25-2 Violations and Penalties

Whosoever shall violate the provisions of this Article shall be guilty of a violation, unless the accused has been convicted under the terms of this Article, or the provisions of 11 Del.C. § 1315 Public Intoxication, within one (1) year, in which case, the offense is an unclassified misdemeanor. The penalty for violation of this Article, be it first or subsequent offense, shall be a fine of one hundred dollars (\$100.00) or imprisonment for a period of no more than thirty (30)

days or both. The Court of Common Pleas for New Castle County shall have concurrent jurisdiction with the Justice of the Peace to issue warrants and try offenses brought pursuant to this Article.

Sections 25-3 to 25-5 Reserved

² Section 25-1(A) was Adopted by Ordinance 13-0715-01 on August 19, 2013

Article II Possession and Consumption by Minors

Section 25-6 Possession of Alcohol by Minors

Whoever, being under the age of twenty-one (21) years, shall have upon or about his or her person or shall have in his or her possession any alcoholic, malt or spirituous beverage within the limits of Delaware City shall be guilty of a misdemeanor.

Section 25-7 Consumption of Alcohol by Minors

Whoever, being then under the age of twenty-one years, shall consume any alcoholic, malt or spirituous beverage upon any street or public place within the limits of Delaware City shall be guilty of a misdemeanor.

Section 25-8 Exceptions for Minors

The provisions of this Article shall not apply either to the possession or consumption of alcoholic, malt or spirituous beverages when consumed as an integral part of sacramental rites performed in the course of religious services conducted in a church building or other house of worship, or, where such consumption is for medicinal purposes pursuant the direction or prescription of a physician or surgeon licensed to practice within this State.

Section 25-9 Violations and Penalties

Violation of the provisions of this Article will be punishable for the first offense by a minimum fine of not less than twenty-five dollars (\$25.00) nor a more than maximum fine of one hundred dollars (\$100.00) and for the second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

Sections 25-10 to 25-15 Reserved