

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE WILMINGTON CITY CODE TO CHANGE THE PERMISSIBLE HOURS OF OPERATIONS FOR CERTAIN RETAILERS**

**#0083**

**Sponsor:**

**Council  
Member  
Oliver**

**WHEREAS**, the City of Wilmington ("City") is a home rule municipality created pursuant to 22 Del. C.ch. 8, and as such, it has all express and implied powers and authority of local self-government and home rule, including the authority to regulate businesses operating within its boundaries; and

**WHEREAS**, ordinances related to the regulation of business hours are intended to protect the health, safety and welfare of the general public; and

**WHEREAS**, City Council finds it appropriate to regulate the operating hours of certain retailers.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 5 of the City Code is hereby amended to change the permissible hours of operation by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 5-78. - Retailers generally.**

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(f) No holder of a license for a convenience store or fast food establishment geographically located within the boundaries designated by any active urban renewal plans, the strategically targeted area redevelopment ("STAR"), or the residential improvement and stabilization effort ("RISE") or the market value analysis area (collectively "the target area"), that constitutes the business of retailer-edible or retailer-non-edible commodities, or both, and any holder of a license for a gas station/auto repair facility in the target area, whether operated in connection

with retailing of edible or non-edible commodities, or both, shall sell or deliver any goods, wares, merchandise and personal property of any kind and nature to the ultimate consumer or take an order therein for delivery therein of any goods, wares, merchandise and personal property of every kind and nature including any edible or non-edible commodities, including any sale or delivery for off-premises consumption, between the hours of 10:00 p.m. of any day of the week and 4:00 a.m. of the following day. ~~12:01 a.m. of any day of the week and 4:00 a.m. of that same day.~~ If any provision of the zoning code is more stringent as to hours of operation of businesses that are subject to this section, then the zoning code provision shall be given effect. The maps defining the target area shall be made a part of the zoning code and shall be on file with the clerk of city council and the planning department.

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**SECTION 2.** This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading .....July 1, 2021  
Second Reading .....July 1, 2021  
Third Reading .....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 5 (Businesses) of the Wilmington City Code to require certain retailers to close at 10:00 p.m. instead of 12:00 a.m.

**FISCAL IMPACT STATEMENT:** There is no expected fiscal impact as a result of this legislation.

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