

Wilmington, Delaware

November 20, 2025

#XXXX

Sponsor:

**Council
Member
Darby**

WHEREAS, Wilmington is the largest city in Delaware, with a population of well over 50,000, and is home to diverse neighborhoods, communities, and commercial districts; and

WHEREAS, municipalities with large populations such as Wilmington are disproportionately impacted by the overconcentration of liquor stores in certain areas; and

WHEREAS, a high volume of liquor stores can contribute to increased rates of crime, addiction, public intoxication, and negative health outcomes within impacted neighborhoods; and

WHEREAS, pursuant to Title 4, Chapter 5 of the Delaware Code, the Alcoholic Beverage Control Commissioner of Delaware (“Commissioner”) is granted the exclusive authority over the issuance and denial of liquor licenses, including location criteria; and

WHEREAS, City residents have expressed concern over the proximity of liquor stores to schools, churches, parks, and residential neighborhoods, and that liquor stores are contributing to quality-of-life issues; and

WHEREAS, the Wilmington City Council believes that municipalities with populations of 50,000 or more (i.e., the City) must have the authority to enact ordinances more restrictive than State law regarding the location and spacing of liquor stores within its boundaries; and

WHEREAS, having such local authority would enable the City of Wilmington to address issues of public health and safety with targeted, community-specific zoning and licensing policies; and

WHEREAS, the Wilmington City Council believes that enabling municipalities to control where liquor stores can operate ensures that local decisions reflect the specific needs and values of their communities; and

WHEREAS, the Wilmington City Council seeks an amendment to Title 4 (Alcoholic Liquors and Marijuana), Chapter 5 (Licenses and License Fees) of the Delaware Code to require the Commissioner to deny any liquor license application that fails to comply with more restrictive municipal ordinances related to location; and

WHEREAS, consistent with Part III, Chapter 2, Section 3(B) of the *Delaware Legislative Drafting Manual* (2019 ed.), the Wilmington City Council has attached a draft proposed General Assembly bill as *Attachment A*.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council urges the Delaware General Assembly to enact legislation that amends Title 4 of the Delaware Code to authorize municipalities with populations of 50,000 or more to adopt ordinances more restrictive than state law with respect to liquor store location and spacing requirements, and to require the Commissioner to deny any license that does not comply with such ordinances.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the Delaware General Assembly to enact legislation enabling municipalities with populations of 50,000 or more to pass ordinances more restrictive than state law regarding the placement of liquor stores. The proposed legislation would require the Alcoholic Beverage Control Commissioner of Delaware to deny licenses that violate these local ordinances. A draft proposed General Assembly bill is attached to the Resolution.

ATTACHMENT A

Draft Proposed General Assembly Bill

DRAFT

SPONSOR:

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. _____

AN ACT TO AMEND TITLE 4, CHAPTER 5 OF THE DELAWARE CODE RELATING TO THE
REGULATION OF LIQUOR STORE LOCATIONS BY MUNICIPALITIES WITH A POPULATION
GREATER THAN 50,000

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 4, Chapter 5 of the Delaware Code by making additions as shown by underline as follows:

§543. Grounds for refusal of license; transfer of extension of premises; separate license required for separate locations.

(a)-(j) ---

(k) Notwithstanding any other provision of this title, any municipality with a population of 50,000 or more may, by duly enacted ordinance, establish more restrictive location-based regulations than those provided under this chapter for the placement or spacing of retail stores licensed to sell alcoholic liquor for off-premises consumption.

Such regulations may include, but are not limited to:

(1) Minimum distance requirements between licensed premises and land uses such as schools, churches, parks, libraries, addiction recovery centers, and residential zoning districts;

(2) Minimum distance requirements between retail establishments licensed to sell alcoholic liquor for off-premises consumption; and

(3) Restrictions on the total number of off-premises liquor licenses that may be issued within specific geographic areas, including but not limited to neighborhoods, zoning districts, and commercial areas.

(l) The Commissioner shall not approve any application for a new license to sell alcoholic liquor for off-premises consumption within the boundaries of a municipality described in subsection (k) unless the proposed premises complies with all applicable local ordinances adopted under subsection (k).

(m) Nothing in this section shall be interpreted to limit a municipality's authority under its zoning code or general police powers, nor shall this section authorize the revocation of licenses already issued prior to the effective date of a municipal ordinance adopted pursuant to this section.

SYNOPSIS

This Act amends Title 4, Chapter 5 of the Delaware Code to authorize municipalities with populations of 50,000 or more to adopt ordinances more restrictive than state law concerning the location and spacing of off-premises liquor licensees. The Act further requires the Alcohol Commissioner to deny any new license application that does not comply with such municipal ordinances. This change would enable local governments to respond to community-specific concerns related to overconcentration and proximity of liquor stores to vulnerable community areas.

DRAFT