

Wilmington, Delaware  
June 5, 2025

**#0057**

**Sponsor:**

**Council  
Member  
Owens**

**WHEREAS**, Wilmington is the largest city in Delaware and the economic engine of the state; and

**WHEREAS**, in addition to being a significant hub for business and commerce, Wilmington attracts visitors from the Northeast Corridor and beyond for its well-established leisure and entertainment venues; and

**WHEREAS**, state law currently permits licensed establishments in Delaware to serve alcohol for on-premises consumption until 1:00 a.m.; and

**WHEREAS**, last call for alcohol times vary across the United States, but the majority of states establish 2:00 a.m. as the default time; and

**WHEREAS**, at the heart of the business, entertainment and leisure experience is the consumption of food and alcoholic beverages that are part of the offerings of these venues; and

**WHEREAS**, tourists and visitors from near and far are surprised at the early closure of venues and limited sales of alcoholic beverages to 1 a.m.; and

**WHEREAS**, Council believes that extending last call time to 2 a.m. in the City will boost business revenue, create additional employment opportunities, generate much needed tax revenue, and increase the City's attractiveness to tourists and visitors; and

**WHEREAS**, Council further believes that a modest 1-hour extension of the last call time for on-premises consumption does not disturb the balance of the needs of businesses, residents and public safety; and

**WHEREAS**, extending the last call time for the City requires an amendment to Title 4 (Alcoholic Liquors and Marijuana), Chapter 7 (Regulatory Provisions) of the Delaware Code; 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**, the Wilmington City Council urges the Delaware General Assembly to amend the Delaware Code to enable licensed establishments within the boundaries of the City limits to sell alcoholic beverages for on-premises consumption until 2 a.m.

Passed by City Council,

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

**SYNOPSIS:** This Resolution urges the Delaware General Assembly to enact legislation that will amend Title 4 of the Delaware Code to enable licensed establishments in the City of Wilmington to sell alcoholic beverages for on-premises consumption until 2 a.m. A draft proposed General Assembly bill is attached to the Resolution.

**ATTACHMENT A**

*Draft Proposed General Assembly Bill*

SPONSOR:

HOUSE OF REPRESENTATIVES  
153rd GENERAL ASSEMBLY

HOUSE BILL NO. \_\_\_\_\_

AN ACT TO AMEND TITLE 4, CHAPTER 7 OF THE DELAWARE CODE TO ENABLE MUNICIPALITIES WITH A POPULATION GREATER THAN 50,000 TO EXTEND THE HOURS OF ALCOHOL SALES FOR ON-PREMISES CONSUMPTION

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

Section 1. Amend Title 4, Chapter 7 of the Delaware Code by making additions as shown by underline as follows:

§ 701 - 708.

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§ 709. Prohibition of sales and delivery at certain times [Effective upon meeting the contingency in 82 Del. Laws, c. 193, § 5].

(a) ---

(b) No holder of a license for the sale of alcoholic liquor for off-premises consumption shall sell or deliver the same on Thanksgiving, Easter or Christmas or between the hours of 1:00 a.m. and 9:00 a.m. on Mondays through Saturdays, except as subsection (f) of this section may apply, and on Sundays before 10:00 a.m. or after 8:00 p.m. Any municipality with a population of 50,000 or more may limit sales within the boundaries of the municipality pursuant to this subsection to a maximum of 4 hours on Sundays as established by ordinance of the municipality. The closing hours for days of the week other than Sunday may be made earlier in any municipality having a population of 50,000 or more persons, by ordinance of the municipal corporation; provided however, that such ordinance be consistent with the Delaware state and federal constitutions as well as treat all businesses fairly. During the months of October through December a holder of a license for the sale of alcoholic liquor for off-premises consumption shall be permitted to have sales take place beginning at 8:00 a.m. on Fridays through Saturdays.

(c) No holder of a license for the sale of alcoholic liquor for on-premises consumption shall sell the same between the hours of 1:00 a.m. and 8:00 a.m. Any municipality with a population of 50,000 or more may, by ordinance of the municipal corporation, extend the sale of alcoholic liquors within the boundaries of the municipality for on-premises consumption to 2:00 a.m. The closing hour may be made earlier in any municipality by ordinance of the municipal corporation. The sale of alcoholic liquors by a licensee for consumption on the

premises where sold shall be permitted on every day of the year; provided, that no licensee shall be required to be open to sell alcoholic liquors on Sundays, Thanksgiving, Easter or Christmas.

(d) – (h) ---

#### SYNOPSIS

This Act amends Title 4, Chapter 7 of the Delaware Code to enable the City of Wilmington to extend, by establishment of municipal ordinance, the sale of alcoholic liquors within its municipal boundaries for on-premises consumption until 2 a.m.