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# TITLE 4 ALCOHOLIC BEVERAGES AND MARIJUANA

## DELAWARE ADMINISTRATIVE CODE

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### DEPARTMENT OF STATE

#### OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

#### Office of the Alcoholic Beverage Control Commissioner

#### 1000 General Establishments and Clubs

#### Rule 1004 (Formerly Rule 72) A Rule Pertaining to the Sale of Alcoholic Liquors by Multiple Activity Clubs

#### 1.0 History

- 1.1 The Commissioner grants multiple activity club licenses to private country clubs that satisfy the definition for this particular class of license (4 **Del.C.** §101 [28]) and meet the requirements of the Commissioner's rules governing multiple activity clubs (Delaware Alcoholic Beverage Control Commissioner Rules 1007 and 1009). In addition, many non-profit, charitable organizations are granted gathering licenses pursuant to 4 **Del.C.** §514(b) and Commissioner Rule 602 to sell alcoholic liquors on the grounds and golf courses of private country clubs, outside of the licensed club house. The issuance of both types of licenses is consistent with the intent of the Liquor Control Act, which is to make alcoholic liquors available to members and guests, who are of legal drinking age, under strictly controlled conditions.
- 1.2 It is the finding of the Commissioner that the private country clubs licensed to sell alcoholic liquors in Delaware have established and enforced reasonable rules and guidelines governing the conduct of their members and guests. Responsible and lawful behavior is required of all members and guests. On various occasions, the Commissioner has approved the extension of country club liquor licenses to include areas of the grounds and golf course outside of the normally licensed club house. These events have been held for many years without incident. Several country clubs have now requested approval to expand their liquor license to allow for the sale and consumption of alcoholic liquors on the grounds and golf courses that they operate. Requests have been made to allow the selling of alcoholic liquors from concessionaire stands and mobile golf carts, and to permit the consumption of alcoholic liquors on the entire premises controlled by the country club.

#### 2.0 Purpose

- 2.1 This rule is promulgated pursuant to the Commissioner's authority to regulate the time, place, and manner in which alcoholic liquors are sold and dispensed (4 **Del.C.** §304). In addition, it is the purpose of this rule to implement and clarify the Commissioner's authority to license a multiple activity club, in this case a private country club, to sell alcoholic liquors for consumption on any portion of the premises approved by the Commissioner [4 **Del.C.** §512(a)]. In accordance with these statutes alcoholic liquors may be sold or dispensed in a manner consistent with Title 4 of the Delaware Code and Commissioner Rules.
- 2.2 By the promulgation of this rule, the Commissioner finds that alcoholic liquors may be sold and consumed on the grounds and golf courses of private country clubs that have been approved by the Commissioner in accordance with the provisions of this rule.

#### 3.0 Definition; as used in this Rule

"**Country club**" means a privately owned and operated facility that provides social activities and recreation to its members, and operates a golf course. It must also be licensed by the Commissioner as a multiple activity club.

#### 4.0 Applicability

This rule shall govern the manner in which private country clubs sell and dispense alcoholic liquors outside of the licensed clubhouse. In addition, all other applicable laws and rules shall apply to all extension of a multiple activity club license.

#### 5.0 Procedure

- 5.1 The Commissioner may approve the sale and dispensing of alcoholic liquors on the grounds and golf courses of privately owned and operated country clubs provided, however, that they comply with the requirements that follow:
  - 5.1.1 Submit to the Commissioner a diagram or plot plan that is drawn to scale and that clearly indicates the area(s) in or on which the sale, dispensing, and consumption of alcoholic liquors is requested;

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- 5.1.2 Submit to the Commissioner a copy of the club's rules that govern the conduct of its' members and guests;
- 5.1.3 Submit to the Commissioner a written plan detailing the procedures it will follow to insure responsible and moderate consumption of alcoholic liquors on its premises;
- 5.1.4 Submit to the Commissioner proof that its' employees who serve, handle or manage the service of alcoholic liquors have successfully completed a Commissioner approved responsible beverage server training program.
- 5.2 The Commissioner may deny an application to extend a multiple activity club license if the applicant fails to provide for the responsible sale, handling, and consumption of alcoholic liquors or the extension of such a license is otherwise found to be adverse to the best interest of the public, adjoining property owners or the clubs members and guests. In addition, the Commissioner may revoke the extension of a country club's multiple activity club license for just cause.
- 5.3 The Commissioner may grant an extension of a country club's multiple activity license to permit consumption of alcoholic liquors on golf courses and grounds, provided that it is lawfully purchased on the premises. In addition, the Commissioner may approve the sale of alcoholic liquors from golf carts and concessionaire stands on the golf course provided that all alcoholic liquors are securely stored when not being offered for sale.

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