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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  
200 Definitions**

**202 (Formerly Rule 19) A Rule Defining the Words Hotel, Motel, Restaurant and Dinner Theater**

**1.0 Purpose and Scope**

This Rule supplements the definition of Hotel, Motel, Dinner Theater and Restaurant contained in the Liquor Control Act, 4 Delaware Code, Section 101 et seq.

**27 DE Reg. 186 (09/01/23)**

**2.0 Hotel and Motel**

- 2.1 **"Hotel"** means any establishment provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to travelers.
- 2.2 **"Motel"** means the same as the word "hotel" except that a motel may consist of 1 or more buildings so long as it otherwise qualifies with the requirements set forth in the above definition of "hotel". The provisions of the Liquor Control Act shall likewise apply to applications to sell alcoholic liquor in a motel.
- 2.3 There shall also be adequate and sanitary kitchen and dining room equipment and an approved storage space where alcoholic liquor may be kept. A hotel and motel shall be advertised as such. A State or County license to operate the premises as a hotel and motel shall also be issued and in possession of the applicant prior to the issuance of the license and at all times thereafter during the term of the license.

**27 DE Reg. 186 (09/01/23)**

**3.0 Restaurant**

- 3.1 **"Restaurant"** means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration, and which has seating at tables for 12 or more persons and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook.
- 3.2 Additional requirements to operate as a restaurant are:
  - 3.2.1 Seats at a bar shall not exceed 1/3 of the dining seats.
  - 3.2.2 The service of only such food as sandwiches or salads shall not be deemed to be the service of "meals".
  - 3.2.3 Complete meals shall be available at all hours that any restaurant is open for the sale of alcoholic liquor.
  - 3.2.4 There shall also be adequate and sanitary kitchen and dining room equipment, and an approved storage space where alcoholic liquor may be kept.
  - 3.2.5 A State or County license to operate the premises as a **"restaurant"** shall also be issued and in the possession of the applicant prior to the issuance of the license and at all times thereafter during the term of the license.

**19 DE Reg. 858 (03/01/16)**

**27 DE Reg. 186 (09/01/23)**

**4.0 Complete Meals - Hotel, Motel, and Restaurant**

- 4.1 The sale of alcoholic beverages by a hotel, motel, or restaurant shall be considered as a supplement to the original purpose of providing food and lodging and furnishing food, respectively.
- 4.2 **"Complete Meals"** shall be considered to mean the normal meals provided at breakfast, lunch and dinner, offered from menus consisting of, but not limited to: breakfast foods, soups, appetizers, entrees, salads, vegetables, desserts, and beverages other than alcoholic.
- 4.3 Restaurants licensed to sell "Beer Only" and "Wine Only" shall be required to furnish only 2 out of the 4 following accompaniments to meals: appetizers, soups, salads and vegetables.

**27 DE Reg. 186 (09/01/23)**

**5.0 Dinner Theater**

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- 5.1 The dinner theater shall serve at least 1 meal consisting of, but not limited to, appetizers, entrees, salads, vegetables, desserts and beverages other than alcoholic. There shall also be an adequate and sanitary kitchen and dining equipment with an approved storage space where alcoholic liquor may be kept.
- 5.2 The dinner theater licensee shall supply to the Commissioner the hours during which the licensee shall permit consumption of alcoholic beverages on its premises. In no event shall the dinner theater licensee allow consumption of alcoholic liquors on its premises at times other than in conjunction with meals served at the theatrical performances and during intermissions or at any other time which is not permitted by the Delaware Liquor Control Act. The hours of consumption of alcoholic liquors shall first be approved by the Commissioner before the issuance of a license.
- 5.3 Persons not of sufficient age to consume alcoholic liquors shall be allowed and permitted to be on the licensed premises of the dinner theater so long as all of the other provisions of the Liquor Control Act and Rules of this Commissioner are being complied with.

**19 DE Reg. 775 (02/01/16)**

**27 DE Reg. 186 (09/01/23)**