ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-174

"Alcoholic Beverage Control Amendment Act of 1992".


The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-174, effective October 3, 1992.

JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 29, 30, 31
August 3, 4, 5, 6, 7, 10, 11, 12
September 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30
October 1, 2
AN ACT

D.C. ACT 9-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 1992

To amend the District of Columbia Alcoholic Beverage Control Act, the
Advisory Neighborhood Councils Act, and the Alcoholic Beverage
Control Regulations to reduce the food-sale requirement for small
hotels, to improve procedures for notifying Advisory Neighborhood
Commission members of pending actions by the Alcoholic Beverage
Control Board, to prohibit agreements for the personal benefit
of individuals in exchange for a promise not to object to or petition
against an ABC license application, and to clarify the method of
determining linear distance; and to amend the Advisory
Neighborhood Commissions Boundaries Act of 1992 to amend the
boundaries of single-member districts 1C03, 1C04, and 1C05.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Alcoholic Beverage Control Amendment
Act of 1992".

Sec. 2. The District of Columbia Alcoholic Beverage Control Act,
approved January 24, 1934 (48 Stat. 319; D.C. Code §25-101 et seq.),
is amended as follows:

(a) Section 3(j) (D.C. Code §25-103(10)) is amended by adding a
new sentence after the first sentence to read as follows:
"In the case of a hotel that has 200 or fewer rooms and that was
built before 1940, the sale of food shall account for at least 25% of gross
annual receipts from the operation of the dining room.".

(b) Section 14(c) (D.C. Code §25-115(c)) is amended as follows:
(1) A new paragraph (1A) is added to read as follows:
"(1A) In the case of an Advisory Neighborhood Commission
("Commission"), the Board shall give notice by 1st-class mail, posted not
less than 5 calendar days prior to the 1st day of the 45-calendar-day
notice period, and addressed to the Commission office, with sufficient
copies of the notice for distribution to each Commission member, the
Chairperson of the Commission at his or her home address of record, and
the Commission member in whose single-member district the establishment
is located at his or her home address of record. In addition, the Board
shall provide to each Commission office, on a quarterly basis, a printed
list of all ABC licenses due to expire in the ensuing 6 months."

(2) Paragraph (4) is amended to read as follows:
"(4) Any person opposing to approval of an application shall
notify the Board in writing of his or her intention to object and the
grounds for the objection at least 15 calendar days prior to the date of
the hearing."

(c) Section 14(e) (D.C. Code §25-115(e)) is amended by adding a
new paragraph (7A) to read as follows:

"(7A) If the Board determines at any time that proponents,
circulators, or signers of a petition acted due to motives that are
inconsistent with the purposes set forth in paragraph (3) of this
subsection or any other provision of law, the Board shall declare the
petition null and void."

(d) A new section 14a is added to read as follows:

"Sec. 14a. It shall be unlawful for any person to provide, offer
to provide, request, or receive anything of value for the personal use,
enjoyment, or profit of any individual in exchange for any individual's
promise not to exercise the rights provided by section 14(b) and (e) to
object to or petition against a license application. Any person who
violates the provisions of this section is guilty of a criminal misdemeanor,
and, upon conviction, shall be imprisoned for not more than 90 days,
or fined not more than $300, or both."

Sec. 3. The Advisory Neighborhood Councils Act of 1975, effective
October 10, 1975 (D.C. Law 1-21; D.C. Code § 1-252 et seq.), is
amended as follows:

(a) Section 8 (D.C. Code § 1-257) is amended by adding a new
subsection (h) to read as follows:

"(h) The Board shall maintain a list of the names and home
addresses of all members of the Advisory Neighborhood Commissions.
(1) This list shall be published at least annually in the
District of Columbia Register. This list shall also be provided by the
Board to the Alcoholic Beverage Control Board and to any other
government agency that requests it.

(2) Any change, which may be due to resignation, election,
moving, or for any other reason, shall be reported when it occurs by
the Board to the Alcoholic Beverage Control Board and to any other
government agency that requests it."

(b) Section 13(c)(2) (D.C. Code § 1-261(c)(2)) is amended to read
as follows:

"(2) The Alcoholic Beverage Control Board shall give notice
to Advisory Neighborhood Commissions at least 45 calendar days prior
to a hearing on applications for issuance or renewal of retailer's licenses,
class A, B, C/R, C/T, C/N, C/H, C/X, D/R, D/T, D/N, D/H, D/X,
and consumption licenses for clubs, or for transfer of a license of any
of these classes to a different location. The notice shall be given to the
Advisory Neighborhood Commission representing the area in which the
applicant's establishment is located. The Board shall give notice by
1st-class mail, posted not less than 5 calendar days prior to the 1st day
of the 45-calendar-day notice period, and addressed to the Commission
office, with sufficient copies of the notice for distribution to each
Commission member, the Chairperson of the Commission at his or her home
address of record, and the Commission member in whose single-member
district the establishment is located at his or her home address of record.
In addition, the Board shall provide to each Commission office, on a
quarterly basis, a printed list of all ABC licenses due to expire in the
ensuing 6 months. An Advisory Neighborhood Commission may object to
the application in the manner set forth in section 14(c) and (e) of the
District of Columbia Alcoholic Beverage Control Act, approved January
24, 1934 (48 Stat. 327; D.C. Code §25-115(c) and (e))."

Sec. 4. The Alcoholic Beverage Control Regulations, effective June
24, 1988 (23 DCMR), are amended as follows:
(a) Section 104.1 is amended to read as follows:
"104.1 Whenever the Board is required to state the distance
between one or more places (for example, the actual distance of one
licensee from another; the actual distance of a licensee from a school,
church, or recreation area), the distance shall be measured linearly and
shall be the shortest distance between the property lines of the places."
(b) Subsection 200.7(d) is amended by adding, after the third
sentence, a new sentence to read as follows: "In the case of a hotel that
has 200 or fewer rooms and that was built before 1940, the sale of food
shall account for at least twenty-five percent (25%) of gross annual
receipts from the operation of the dining rooms."
(c) Subsection 200.8(d) is amended by adding, after the third
sentence, a new sentence to read as follows: "In the case of a hotel that
has 200 or fewer rooms and that was built before 1940, the sale of food
shall account for at least twenty-five percent (25%) of gross annual
receipts from the operation of the dining rooms."
(d) Subsection 1503.5 is amended to read as follows:
"1503.5 The notice to the Board of Education shall state the
proximity, as determined by the Board, of the establishment to the
nearest public school of the District. The notice to an Advisory
Neighborhood Commission ("Commission") shall be given by first-class
mail, posted not less than five (5) calendar days prior to the first day
of the forty-five (45) calendar day notice period, and addressed to:
"(a) The Commission office, with sufficient copies of the notice for
distribution to each Commission member;
"(b) The Chairperson of the Commission at his or her home address
of record; and
"(c) The Commission member in whose single-member district the
establishment is located at his or her home address of record."
(e) A new subsection 1504.7 is added to read as follows:
"1504.7 The Board shall provide to each Commission office,
on a quarterly basis, a printed list of all ABC licenses due to expire in
the ensuing 6 months."
(f) Subsection 1508.3 is amended by striking the phrase "fifteen
(15) business days" and adding the phrase "fifteen (15) calendar days"
in its place.
(g) Subsection 1508.4 is amended by striking the phrase "fifteen
(15) business days" and adding the phrase "fifteen (15) calendar days"
in its place.
(h) Subsection 1513.2 is amended to read as follows:
"1513.2 The signatories to the agreement shall submit the agreement
to the Board for approval or disapproval."
(i) Subsection 1513.3 is amended by adding a new sentence at the
end to read as follows:
"If the Board determines that the agreement does not comply with
all applicable laws and regulations, the Board shall disapprove the
agreement. The Board may direct the signatories to resume negotiations to seek a satisfactory agreement."

(j) A new subsection 1513.6 is added to read as follows:
"1513.6 It shall be unlawful for any person to provide, offer to provide, request, or receive anything of value for the personal use, enjoyment, or profit of any individual in exchange for any individual's promise not to exercise the rights provided by section 14(b) and (e) of the Act to object to or petition against a license application. Any person who violates the provisions of this section is guilty of a criminal misdemeanor, and, upon conviction, shall be imprisoned for not more than ninety (90) days or fined not more than three hundred dollars ($300), or both.".

Sec. 5. The Advisory Neighborhood Commissions Boundaries Act of 1992, effective May 21, 1992 (D.C. Law 9-112; 39 DCR 2164), is amended by amending the boundaries of single-member districts 1C03, 1C04, and 1C05 to read as follows:

"Description of SMD 1C03 boundaries

"All of the following streets in the Northwest quadrant: Beginning at the centerline of Rock Creek and Harvard Street, East on Harvard Street to Adams Mill Road; Southwest on Adams Mill Road to Ontario Road; East on Ontario Road to Ontario Place; Southwest on Ontario Place to the property line of 1822 Ontario Place; South along the property line to the alleyway; East along the alleyway to its point of intersection with Ontario Road; East on Ontario Road to Lanier Place; Southwest on Lanier Place to Adams Mill Road; South on Adams Mill Road to 18th Street; Southeast on 18th Street to Belmont Road; West on Belmont Road to Columbia Road; North on Columbia Road to Biltmore Street; West on Biltmore Street to the property line of 1920 Biltmore Street; South along the property line to the alleyway; West along the alleyway to 19th Street; North on 19th Street to Biltmore Street; West on Biltmore Street to 20th Street; North on 20th Street to Calvert Street; West on Calvert Street to the centerline of Rock Creek; North on the centerline of Rock Creek to Harvard Street.

Description of SMD 1C04 boundaries

"All of the following streets in the Northwest quadrant: Beginning at Ontario Road and Adams Mill Road, North on Adams Mill Road to Harvard Street; East on Harvard Street to Argonne Place; South on Argonne Place to Lanier Place; South on Lanier Place to Ontario Road; West on Ontario Road to the alleyway; Along the alleyway to its point of intersection with the property line of 1822 Ontario Place; North along the property line to Ontario Place; East on Ontario Place to Ontario Road; West on Ontario Road to Adams Mill Road.

"Description of SMD 1C05 boundaries

"All of the following streets in the Northwest quadrant: Beginning at Argonne Place and Harvard Street, Southeast on Harvard Street to 16th Street; South on 16th Street to Fuller Street; West on Fuller Street to Mozart Place; South on Mozart Place to Euclid Street; West on Euclid
Street to Champlain Street; South on Champlain Street to the Northern property line of 2370 Champlain Street; West along the property line to the alleyway; North along the alleyway to Columbia Road; Northeast on Columbia Road to Ontario Road; West on Ontario Road to Lanier Place; North on Lanier Place to Argonne Place; East on Argonne Place to Harvard Street."

Sec. 6. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: July 27, 1992
COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Nine  
RECORD OF OFFICIAL COUNCIL VOTE  
Docket No: Bill 9-125

☐ Item on Consent Calendar

☐ Action & Date: Adopted First Reading, 6-2-92

☐ Voice Vote: Approved

Absent:

☐ Roll Call Vote - Result

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X - Indicates Vote  A.B. - Absent  N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]  July 13, 1992  
Secretary to the Council

☐ Item on Consent Calendar

☐ Action & Date: Adopted Final Reading, 7-7-92

☐ Voice Vote: Approved

Absent:

☐ Roll Call Vote - Result

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CERTIFICATION RECORD

[Signature]  July 13, 1992  
Secretary to the Council