

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-202

"Alcoholic Beverage Control DC Arena Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-294, on first and second readings, July 7, 1998 and September 22, 1998, respectively. Following the signature of the Mayor on October 13, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-488 and published in the December 4, 1998, edition of the D.C. Register (Vol. 45 page 8412) and transmitted to Congress on January 29, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

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 12-202, effective March 26, 1999.



LINDA W CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

AN ACT
D.C. ACT 12-488

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 13, 1998

To amend the District of Columbia Alcoholic Beverage Control Act and the Alcoholic Beverages and Food Regulations to add the Lincoln Theater to the list of establishments which shall be issued a class C/X retailer's license; and to amend the District of Columbia Alcoholic Beverage Control Act and the Alcoholic Beverages and Food Regulations to provide a definition of "DC Arena", to establish and provide for the initial issuance of one or more retailer's licenses class Arena C/X for the DC Arena, to provide for the initial issuance of other class C retailer's licenses at the DC Arena, and to prohibit beverage storage containers from being brought into the DC Arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Control DC Arena Amendment Act of 1998".

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 (D.C. Code § 25-103) is amended by adding a new paragraph (29) to read as follows: Section 25-103

"(29) The words "DC Arena" mean the multi-purpose arena for the performance of sports and entertainment events and related amenities described in recital "E" of the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and DC Arena L.P., dated December 29, 1995."

(b) Section 11(a) (D. C. Code § 25-111(a)) is amended as follows:

(1) The lead-in language is amended by striking the number "22" and inserting the number "23" in its place. Section 25-111

(2) Paragraph (7) is amended as follows:

(A) Subparagraph (G)(i) is amended by adding the phrase "the Lincoln Theatre," after the phrase "Washington Convention Center,".

(B) A new subparagraph (G-i) is added to read as follows:

ENROLLED ORIGINAL

"(G-i)(i) Upon each initial application pursuant to section 14(a), the Board, after determining that the requirements of section 14(g) have been met, shall issue one or more retailer's licenses for the DC Arena in accordance with the provisions of this subparagraph to the lessee upon application of the lessee under the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and DC Arena L.P., dated December 29, 1995 ("Land Disposition Lease"). At the option of the lessee, such licenses may be issued to concessionaires and tenants of the lessee, as such may be requested from time to time by the lessee. Such retailer's licenses may be canceled by the Board at the request of the District of Columbia Redevelopment Land Agency ("RLA") in the event that the lessee ceases to operate the DC Arena. If the lessee assigns its interest in the Land Disposition Lease, the Board shall, at the request of the RLA, transfer such retailer's licenses as may be then held by the lessee to the lessee's assignee, upon application pursuant to section 14(a) and approval by the Board.

"(ii) The retailer's license, class Arena C/X shall be issued only for the DC Arena. The retailer's license, class Arena C/X shall permit the storage and sale of spirits, wine, and beer for consumption anywhere on the premises of the DC Arena. One or more retailer's licenses, class Arena C/X shall be issued either as the license for all alcoholic beverage operations at the DC Arena or individually for concession stands, portable bars and other non-fixed locations, or suite and club suite service. Such retailer's license, class Arena C/X shall not permit the sale or dispensing of alcoholic beverages in unbroken packages for the purpose of permitting such packages to be carried off the premises.

"(iii) One or more retailer's licenses, class C shall be issued to concessionaires or tenants of the DC Arena for suitable locations within the DC Arena approved by the Board, where food and alcoholic beverages are served. Each initial issuance of the retailer's licenses, class C to concessionaires or tenants of the DC Arena shall be upon application pursuant to section 14(a), and subject to a determination by the Board that the requirements of section 14(g) have been met.

"(iv) The annual license fee for the retailer's licenses, class Arena C/X for the DC Arena shall be established by the Mayor. The annual license fee for a retailer's license, class C issued to a concessionaire or tenant of the DC Arena shall be in accordance with subparagraph (I) of this paragraph.

"(v) The initial issuance of each retailer's license, class Arena C/X for the D.C. Arena, and the initial issuance of each retailer's license, class C to concessionaires or tenants of the DC Arena, shall not be subject to section 14(b), (c), (e), and (f). The reissuance of each retailer's license class Arena C/X for the DC Arena and the reissuance of each retailer's license, class C to concessionaires and tenants of the DC Arena nonetheless shall be subject to section 14(b).

ENROLLED ORIGINAL

"(vi) To the extent that the provisions of this subparagraph are inconsistent with provisions of the Alcoholic Beverages and Food Regulations (23 DCMR), the provisions of this subparagraph shall control. Except as otherwise provided in this subparagraph, the licensee of a retailer's license, class Arena C/X and the license, class C issued to a concessionaire or tenant of the DC Arena shall be subject to all provisions of this Act, and all other applicable laws and regulations of the District of Columbia."

(c) A new section 28a is added to read as follows:

New Section
25-128.1

"28a. Prohibition on beverage storage containers in the DC Arena.

"No person shall bring, or have in his or her possession, anywhere on the premises of the DC Arena, including space referred to in section 11(a)(7)(G-i)(ii), any container used to hold or store beverages or liquids of any kind, including, but not limited to, bottles and cans. This section shall not apply to a person duly authorized or licensed by the Board to possess, sell, give away, transport, or store alcoholic beverages or containers on the premises of the DC Arena, or to any employee or agency acting for any such duly authorized or licensed person, or to any container provided on the premises of the DC Arena by the lessee or its concessionaires and tenants."

Sec. 3. Title 23 of the District of Columbia Municipal Regulations (Alcoholic Beverages and Food Regulations) (23 DCMR) is amended as follows:

DCMR

(a) Subsection 199.1 is amended by adding a new definition as follows:

""DC Arena" - the multi-purpose arena for the performance of sports and entertainment events and related amenities described in Recital "E" of the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and DC Arena L.P., dated December 29, 1995."

(b) Section 200 is amended by adding new subsections 200.17 and 200.18 to read as follows:

"200.17 One or more retailer's licenses class Arena C/X shall be issued either as the license for all alcoholic beverage operations at the DC Arena or for concession stands, portable bars, and other non-fixed locations, or suite and club seat service. The retailer's licenses class Arena C/X shall permit the storage and sale of spirits, wine, and beer for consumption anywhere on the premises of the DC Arena, but shall not permit the sale or dispensing of alcoholic beverages in unbroken packages for the purpose of permitting such packages to be carried off the premises.

"200.18 One or more retailer's licenses, class C shall be issued to concessionaires and tenants of the DC Arena for suitable locations within the DC Arena approved by the Board, where food and alcoholic beverages are served."

(c) Section 200.7(e) is amended by inserting the phrase "and the Lincoln Theatre," after the phrase "the Washington Convention Center,".

ENROLLED ORIGINAL

- (d) Section 202 is amended by adding a new subsection 202.5 to read as follows:
"202.5 A retailer's license class Arena C/X shall be in effect for two (2) years."
- (e) Section 203 is amended by adding a new subsection 203.20 to read as follows:
"203.20 The Mayor shall establish the fee for the retailer's license class Arena C/X."

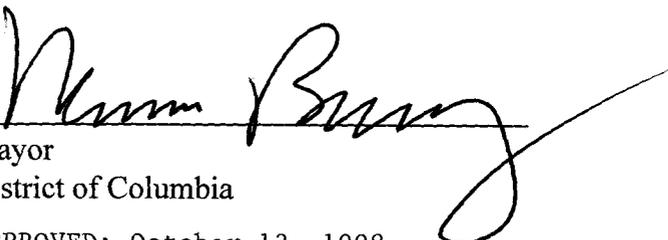
Sec. 4. Fiscal impact statement.

There are currently 4 alcoholic beverage licensees operating in various areas of the DC Arena. The District charges \$2,400 annually each for 2 Retail Class C/T licenses. It also charges the arena for two Retail Class C/X licenses, which costs \$10,000 annually. Based upon this calculation, the District will receive \$24,800 in FY 1998 in total revenue from licenses issued to vendors in the DC Arena. In addition, there will be a positive impact derived from sales tax revenues as a result of these licenses. This act will produce a positive fiscal impact on the District's General Fund.

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 13, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-294

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-7-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

September 28, 1998
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

MASON

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

September 28, 1998
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
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AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

Codification
District of
Columbia
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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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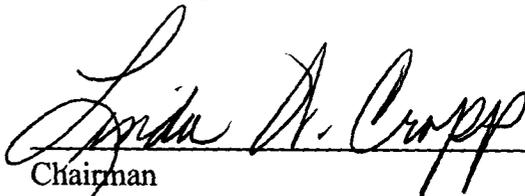
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Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-294

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-7-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ALL PRESENT

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

September 28, 1998
Date

| | ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

MASON

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

September 28, 1998
Date

| | ITEM ON CONSENT CALENDAR

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RECORDED VOTE ON REQUEST

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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Secretary to the Council

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