

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

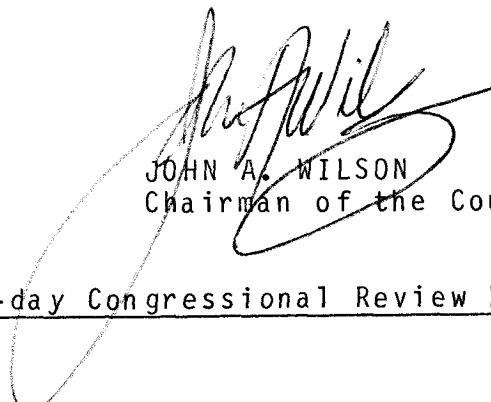
NOTICE

D.C. LAW 9-174

"Alcoholic Beverage Control Amendment  
Act of 1992".

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. 9-125 on first and second readings, June 2, 1992, and July 7, 1992, respectively. Following the signature of the Mayor on July 27, 1992, this legislation was assigned Act No. 9-280, published in the August 7, 1992, edition of the D.C. Register, (Vol. 39 page 5859) and transmitted to Congress on July 29, 1992 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 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

**Codification**

AN ACT

**District of Columbia Code**

D.C. ACT 9-280

( 1993 Supplement)

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:

Section  
25-103

"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:

Section  
25-115

(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 objecting 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:

Section  
25-115

"(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:

New Section  
25-115.1

"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:

Section  
1-257

"(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:

Section  
1-261

"(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: DCMR

(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:

Note,  
Section  
1-254

"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

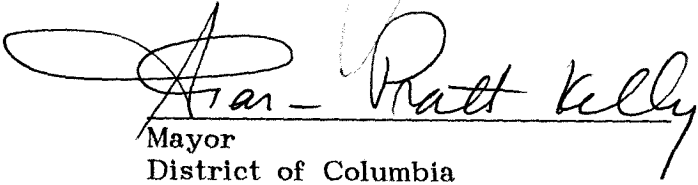
Street to Champlain Street; South on Champlain Street to the Northern property line of 2370 Champlain Street; West along the property line to the alleyway; North along the alleyway to Columbia Road; Northeast on Columbia Road to Ontario Road; West on Ontario Road to Lanier Place; North on Lanier Place 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.



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Chairman  
Council of the District of Columbia



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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

Recorded vote on request

Absent: Thomas

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

### CERTIFICATION RECORD

Deyle Jones  
Secretary to the Council

July 13, 1992  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

### CERTIFICATION RECORD

Deyle Jones  
Secretary to the Council

July 13, 1992  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

### CERTIFICATION RECORD

Secretary to the Council

Date