

AN ACT

*Codification  
District of  
Columbia  
Official Code*

**2001 Edition**

**2009 Winter  
Supp.**

**West Group  
Publisher**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 3 of Title 25 of the District of Columbia Official Code to proscribe the sales of single containers by off-premises retailers located in Mt. Pleasant, in Ward 1; in Ward 2; and in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008”.

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Subchapter III is amended by adding 3 new section designations to read as follows:

“25-344. Special restrictions for off-premises retailer’s license in Mt. Pleasant.

“25-345. Ward 2 restrictions for off-premises retailer’s license.

“25-346. Ward 6 restrictions for off-premises retailer’s license.”.

(b) A new section 25-344 is added to read as follows:

“§ 25-344. Special restrictions for off-premises retailer’s license in Mt. Pleasant.

“(a) For the purposes of this section, the term “Mt. Pleasant” means the area defined as ANC-1D, delimited by Piney Branch Parkway to the north, 16th Street to the east, Harvard Street to the south, and Adams Mill and Klingle Roads to the west, on the effective date of this section.

“(b) A licensee under an off-premises retailer's license in Mt. Pleasant, class A or B, shall not:

“(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

“(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.”.

(c) A new section 25-345 is added to read as follows:

**New  
§ 25-344**

**ENROLLED ORIGINAL**

“§ 25-345. Ward 2 restrictions for off-premises retailer’s license.

New  
§ 25-345

“(a) For the purposes of this section, the term “Ward 2” means the area defined as Ward II in § 1-1041.03 on the effective date of this section.

“(b) A licensee under an off-premises retailer’s license, class A or B, located in Ward 2, shall not:

“(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

“(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

“(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall notify the Advisory Neighborhood Commission in which the licensee is located when a licensee applies for an exception and provide a copy of the application. The copy of the application shall be provided at the address of the ANC’s office of record. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

“(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

“(A) The input, if any, of the ANC in which the licensee is located, as evidenced by a vote of the ANC, which shall be given great weight;

“(B) Whether the exception will negatively impact the enforceability and effectiveness of the ban;

“(C) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

“(D) Evidence of licensee participation in the community, such as attendance at ANC and Police Service Area community meetings; and

“(E) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

“(3) A new licensee under an off-premises retailer’s license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

“(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.”.

(d) A new section 25-346 is added to read as follows:

“§ 25-346. Ward 6 restrictions for off-premises retailer’s license.

New  
§ 25-346

“(a) For the purposes of this section, the term “Ward 6” means the area defined as Ward VI in § 1-1041.03 on the effective date of this section.

“(b) A licensee under an off-premises retailer’s license, class A or B, located in Ward 6 shall not:

“(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

“(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

“(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall notify the Advisory Neighborhood Commission in which the licensee is located when a licensee applies for an exception and provide a copy of the application. The copy of the application shall be provided at the address of the ANC’s office of record. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

“(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

“(A) The input, if any, of the ANC in which the licensee is located, as evidenced by a vote of the ANC, which shall be given great weight;

“(B) Whether the exception will negatively impact the enforceability and effectiveness of the ban;

“(C) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

“(D) Evidence of licensee participation in the community, such as attendance at ANC and Police Service Area community meetings; and

“(E) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

“(3) A new licensee under an off-premises retailer’s license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

“(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.”.

### Sec. 3. Subsidies for officers.

As of July 28, 2008, the Alcoholic Beverage Regulation Administration shall provide subsidies for officers that participate in the Pilot Subsidy Program for Reimbursable Details, in entertainment areas during late night closing times and approved special events. Receipts for weekend nights prior to July 28, 2008 shall be considered under the law in place prior July 28, 2008.

Sec. 4. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

Note,  
§ 25-344

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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), 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. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

---

Chairman  
Council of the District of Columbia

---

Mayor  
District of Columbia