

1 COMMITTEE PRINT  
2 COMMITTEE ON PUBLIC WORKS AND THE ENVIRONMENT  
3 JULY 14, 2008

4 A BILL

5 \_\_\_\_\_  
6 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
7 \_\_\_\_\_

8 To amend Title 25 of the District of Columbia Official Code to prohibit the sale of single  
9 containers of beer, malt liquor or ale by off-premises retailers located in Ward 6.

10 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
11 act may be cited as the “Ward 6 Single Sales Moratorium Amendment Act of 2008”.

12 Sec. 2. Chapter 3 of Title 25 of the D.C. Official Code is amended as follows:

13 (a) The table of contents is amended by adding a new section designation 25-344 to  
14 read as follows:

15 “§ 25-344. Ward 6 Restrictions.”.

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

17 “§ 25-344. Ward 6 Restrictions.

18 “(a) For the purposes of this section, the term:

19 “(1) “Ward 6”, means the area defined as Ward VI in § 1-1041.03 on the  
20 effective date of this act.

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

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

26 “(2) sell, give, offer, expose for sale, or deliver an individual container of beer,  
27

1 malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-  
2 pints or smaller volumes.

3 “(c) (1) An existing licensee may apply to the ABC Board for an exception to the  
4 restrictions in subsection (b) of this section. The Board shall make its determination on the  
5 licensee application within 60 calendar days of receipt of the application.

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

8 “(A) The input, if any, of the ANC in which the licensee is located, which  
9 shall be given great weight;

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

14 “(C) Evidence of licensee participation in the community, such as  
15 attendance at Advisory Neighborhood Commission and Police Service Area community  
16 meetings; and

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

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

23 “(d) The restrictions in subsection (b) of this section shall not apply to a licensee located  
24 in a Federal building, or to a licensee that is a full-service grocery store, as defined in this Title.

25 Sec. 3. Applicability.

26 Section 2 shall take effect 90 days from the effective date of this Act.

1           Sec. 4. Fiscal Impact Statement.

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

5           Sec. 5. Effective Date.

6           This act shall take effect following approval by the mayor (or in the event of veto by the  
7 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
8 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
9 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of  
10 Columbia Register.