

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 25.
ALCOHOLIC BEVERAGE REGULATION.

CHAPTER 2.
ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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TABLE OF CONTENTS

§ 25-201. Establishment of the Alcoholic Beverage Control Board--appointment and responsibilities.

§ 25-202. Establishment of the Alcoholic Beverage Regulation Administration.

§ 25-203. Transfer of functions of Alcoholic Beverage Control Division of the Department of Consumer and Regulatory Affairs.

§ 25-204. Board--functions and duties.

§ 25-204.01. Board -- open meetings.

§ 25-205. Board record-keeping responsibilities.

§ 25-206. Board member qualifications; term of office; chairperson; conflict of interest.

§ 25-207. ABRA Director and staff.

§ 25-208. Office of the General Counsel.

§ 25-209. Community resource officer.

§ 25-210. ABRA funding.

§ 25-211. Regulations.

CHAPTER 2. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION.

§ 25-201. ESTABLISHMENT OF THE ALCOHOLIC BEVERAGE CONTROL BOARD--APPOINTMENT AND RESPONSIBILITIES.

(a) There is established an Alcoholic Beverage Control Board. The Board shall be composed of 7 members. The Mayor, with the advice and consent of the Council and according to the requirements set forth in § 25-206, shall nominate persons to serve on the Board. A nomination shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.

(b) The Board shall administer and enforce the provisions of this title and regulations issued under this title.

(c) The Board shall:

(1) Oversee ABRA;

(2) Receive and evaluate applications for licenses, transfers of licenses to new owners, and renewals of licenses;

(3) Issue, transfer, and renew licenses to qualified applicants;

(4) Regularly conduct inspections of the premises and the books and records of all licensees during day and evening hours and, on a reasonable number of occasions, without prior notification to the licensee or the licensee's employees, for compliance with the requirements of this title and regulations issued under this title;

(5) Establish procedures to receive and respond timely to complaints from any person alleging a violation of any provision of this title or regulations issued under this title;

(6) Conduct investigations, on its own initiative or on the basis of valid complaints, to identify violations of this title or regulations issued under this title;

(7) Suspend or revoke licenses and impose civil fines as authorized by this title and regulations issued under this title; and

(8) Refer evidence of criminal misconduct to the Inspector General of the District of Columbia, the Corporation Counsel, or the United States Attorney for the District, for investigation and prosecution.

(Jan. 24, 1934, 48 Stat. 321, ch. 4, §§ 4, 6; Aug. 27, 1935, 49 Stat. 897, ch. 756, § 2; Apr. 20, 1948, 62 Stat. 176, ch. 217, § 2; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); Mar. 3, 1979, D.C. Law 2-139, § 3205(h), 25 DCR 5740; Sept. 29, 1982, D.C. Law 4-157, §§ 3, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(1), (2), 30 DCR 5927; Sept. 26, 1984, D.C. Law 5-119, § 2, 31 DCR 4040; Mar. 14, 1985, D.C. Law 5-159, § 25(a), 32 DCR 30; Mar. 7, 1987, D.C. Law 6-217, § 3, 34 DCR 907; May 24, 1994, D.C. Law 10-122, § 2(b), (c), 41 DCR 1658; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; June 12, 2003, D.C. Law 14-310, § 10, 50 DCR 1092.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-104(a) and 25-106(a), (b). For notes from former § 25-104, see § 25-206.

Prior Codifications

1981 Ed., § 25-201.

1973 Ed., §§ 25-104, 25-106.

Effect of Amendments

D.C. Law 14-310, in subsec. (a), substituted "deemed disapproved" for "deemed approved".

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-51, see Historical and Statutory Notes following § 25-206.

For legislative history of D.C. Law 6-217, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

§ 25-202. ESTABLISHMENT OF THE ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION.

There is established an Alcoholic Beverage Regulation Administration ("ABRA") as an independent agency of the District to provide professional, technical, and administrative staff assistance to the Board in the performance of its functions. ABRA shall carry out its functions under the supervision of the Board.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-203. TRANSFER OF FUNCTIONS OF ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

All positions, property, records, and unexpended balances of appropriations, allocations, assessments, and other funds available or to be made available to the Alcoholic Beverage Control Division of the Department of Consumer and Regulatory Affairs relating to the duties and functions assigned herein are transferred to ABRA.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-204. BOARD--FUNCTIONS AND DUTIES.

All duties and responsibilities in respect to the regulation of alcoholic beverage control establishments that previously have been given to the Alcoholic Beverage Control Division of the Department of Consumer and Regulatory Affairs, established by Reorganization Plan No. 1 of 1983, shall be assumed by the Board.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Emergency Act Amendments

For temporary (90 day) provisions, see § 3 of Mt. Pleasant, Targeted Ward 2, and Targeted Ward 6 Single Sales Moratorium Congressional Review Emergency Act of 2008 (D.C. Act 17-564, October 27, 2008, 55 DCR 12024).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Section 3 of D.C. Law 17-287 provides:

"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."

§ 25-204.01. BOARD -- OPEN MEETINGS.

(a) This section shall be construed broadly to maximize public access to meetings. Exceptions to open meetings shall be construed narrowly.

(b)(1) "For the purposes of this section, the term "meeting" means any gathering of a quorum of the members of the Board, including hearings and roundtables, whether regular, special, or emergency, at which the members consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, and voting.

(2) A chance meeting or social encounter does not constitute a meeting unless it is held to evade the letter or spirit of this section.

(3) The term "meeting" does not include:

(A) Discussions by members of the Board on logistical and procedural methods to schedule and regulate a meeting;

(B) Any on-site inspection of any project or program; and

(C) General discussions among Board members on issues of interest to the public held in a planned or unplanned social, educational, informal, ceremonial, or similar setting when there is no intent to conduct public business, nor for the discussion to lead to an official action, even if a quorum is present and public business is discussed.

(c)(1) Except as provided in paragraph (2) of this subsection, a meeting shall be open to the public.

(2) A meeting, or portion of a meeting, may be exempt from the requirement in paragraph (1) of this subsection because of the following:

(A) Statute or court order;

(B) Contract negotiations;

(C) Attorney-client privilege: To consult with an attorney, in order to preserve the attorney-client privilege between an attorney and the Boards, and to approve settlement agreements; provided, that nothing herein shall be construed to permit the Board to close a meeting that would otherwise be open merely because the Board's attorney is a participant;

(D) Personnel matters. Discussion of the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, unless the person requests a public meeting;

(E) Quasi-judicial functions: Meetings held by the Board exercising quasi-judicial functions that are held solely for the purpose of deliberating or making a decision in an adjudication action or proceeding;

(F) Enforcement: To plan, conduct, discuss, or hear reports concerning investigations of alleged criminal or civil misconduct or violations of federal or District law; or

(G) Executive functions: To discuss the administration of a current District or federal statute, regulation, or procedure.

(3) A public body that meets in closed session may not discuss or consider any official matter other than matters listed in paragraph (2) of this subsection.

(4) No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at an open meeting.

(d)(1) Before a meeting or portion of a meeting may be closed, the Board shall meet in public session at which a majority of the members of the public body who are present vote in favor of a motion for closure pursuant to an exemption listed under subsection (c)(2) of this section.

(2) The motion shall state the reason for closing the meeting and include a listing of the topics to be discussed. The Chairperson of the Board shall conduct and record a roll call vote on the motion.

(3) At the conclusion of the closed meeting, the Board shall reconvene in public session, to summarize, to the extent consistent with the applicable reason for closure, the matters discussed or considered at

the closed session, and, if appropriate, take official action.

(July 18, 2008, D.C. Law 17-201, § 3(b), 55 DCR 6289.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-201, see notes following § 25-101.

§ 25-205. BOARD RECORD-KEEPING RESPONSIBILITIES.

- (a) The Board shall maintain complete and accurate records of all action taken on:
 - (1) Applications for licenses; and
 - (2) Recommendations for, and remonstrances against, the granting of licenses.
- (b) The Board shall maintain the records in a manner readily accessible for inspection by the public during normal business hours.
- (c) The Board shall provide to the Director and the Council annual reports detailing the activities of the Board for the previous year regarding the following items:
 - (1) Licenses, including the number of licenses outstanding; the number of new alcohol licenses and permits issued; the number of alcohol licenses and permits renewed; the number of licenses suspended; and the number of licenses revoked;
 - (2) Enforcement, including the number of regulatory inspections performed and the number of investigations conducted;
 - (3) The workload of the Board, including the number of adjudicated cases processed; the number of hearings conducted; and the number of show cause cases pending;
 - (4) Community notification efforts, including the number of ANC notifications issued; the number of ANC meetings attended by Board members; and the number of community meetings attended by Board members; and
 - (5) Revenue generated by Board actions, including revenue generated by the Board from permits and licenses and from fines.
- (d) The Board shall provide to the office of each ANC, on a quarterly basis, a list of all licenses due to expire during the ensuing 6 months.

(Jan. 24, 1934, 48 Stat. 322, ch. 4, § 6; Aug. 27, 1935, 49 Stat. 897, ch. 756, § 2; Sept. 29, 1982, D.C. Law 4-157, §§ 3, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(2), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 3, 34 DCR 907; May 24, 1994, D.C. Law 10-122, § 2(c), 41 DCR 1658; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(f), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-106(b). For notes from former § 25-106, see § 25-201.

Prior Codifications

1981 Ed., § 25-205.

1973 Ed., § 25-106.

Effect of Amendments

D.C. Law 15-187 rewrote subsec. (d) which had read as follows:

"(d) The Board shall provide to each ANC office, on a quarterly basis, a list of licenses due to expire in the areas that the ANC will represent during the ensuing 6 months."

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

§ 25-206. BOARD MEMBER QUALIFICATIONS; TERM OF OFFICE; CHAIRPERSON; CONFLICT OF INTEREST.

- (a) Each member of the Board shall be a resident of the District for at least 3 years immediately preceding his or her appointment and, during that period, have claimed a principal residence nowhere else.

(b) No member of the Board shall hold any other full-time employment with the District government during his or her term of service on the Board.

(c) Each member of the Board shall have a demonstrated record of substantial involvement in issues related to the community impact of licensed establishments before his or her appointment to the Board.

(d) All appointments shall be for a term of 4 years, except appointments made for the remainder of unexpired terms. Vacancies caused by death, resignation, or otherwise shall be filled by the Mayor, with the advice and consent of the Council, under § 25-201. The Mayor may remove a board member for just and reasonable cause.

(e) Board members may be reappointed.

(f)(1) The Mayor, with the advice and consent of the Council as provided by 25- 201, shall appoint one member of the Board as chairperson.

(2) The chairperson shall have a demonstrated knowledge of the laws and regulations relating to the sale and delivery of alcoholic beverages in the District.

(g) No member or employee of the Board, directly or indirectly, individually, or as a member of a partnership, association, or limited liability company, or a shareholder in a corporation, shall have any interest in selling, transporting, or storing alcoholic beverages, or receive a commission or profit from any person licensed under this title to sell alcoholic beverages; provided, that a Board member or employee may purchase, transport, or keep in his or her possession an alcoholic beverage for his or her personal use or the use of the members of his or her family or guests.

(h) Former board members may not represent a client before the Board for a period of one year following their service on the Board. Former board members may appear before the Board as an applicant for licensure, a protestant, or a witness during a protest hearing during this time period. This provision shall be applicable to future board members and for board members who are serving on the Board on May 3, 2001.

(Jan. 24, 1934, 48 Stat. 321, ch. 4, §§ 4, 5; Apr. 20, 1948, 62 Stat. 176, ch. 217, § 2; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); Mar. 3, 1979, D.C. Law 2-139, § 3205(h), 25 DCR 5740; Sept. 29, 1982, D.C. Law 4-157, § 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(1), 30 DCR 5927; Sept. 26, 1984, D.C. Law 5-119, § 2, 31 DCR 4040; Mar. 14, 1985, D.C. Law 5-159, § 25(a), 32 DCR 30; May 24, 1994, D.C. Law 10-122, § 2(b), 41 DCR 1658; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-104(a) and 25-105.

Prior Codifications

1981 Ed., § 25-206.

1973 Ed., §§ 25-104, 25-105.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

Law 5-51, the "Alcoholic Beverage Control Act Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-248, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 4, 1983, and October 18, 1983, respectively. Signed by the Mayor on November 9, 1983, it was assigned Act No. 5-77 and transmitted to both Houses of Congress for its review.

Law 5-119, the "Alcoholic Beverage Control Act Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-298, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 26, 1984, and July 10, 1984, respectively. Signed by the Mayor on July 13, 1984, it was assigned Act No. 5-171 and transmitted to both Houses of Congress for its review.

Law 5-159, the "End of Session Technical Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its

review.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

§ 25-207. ABRA DIRECTOR AND STAFF.

(a) The Board, with the advice and consent of the Council, shall appoint a Director of ABRA for a renewable 4-year term. The Director shall be removed by the Board for just and reasonable cause.

(b) The Director shall organize the personnel and property transferred by § 25-203 and, within the limits provided in this chapter and annual appropriations, shall employ staff as needed to carry out the function of ABRA.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Miscellaneous Notes

Short title: Section 6022 of D.C. Law 17-219 provided that subtitle H of title VI of the act may be cited as the "Targeted Grant-Making Authority for the Director of the Alcoholic Beverage Regulation Administration Act of 2008".

Section 6023 of D.C. Law 17-219 provides:

"Notwithstanding any other provision of law, the Director of the Alcoholic Beverage Regulation Administration shall have the authority to issue grants, as directed in the Fiscal Year 2009 Budget Request Act, passed on final reading on May 13, 2008 (Enrolled version of Bill 17-679) ('Act'), to effectuate the purposes of the Act."

§ 25-208. OFFICE OF THE GENERAL COUNSEL.

There shall be established within ABRA an Office of the General Counsel. The head of the office shall be the General Counsel, who shall be an attorney admitted to the practice of law in the District and who shall be appointed by, and serve at the pleasure of, the Mayor. The General Counsel shall advise the Board regarding all legal matters. The Office of the General Counsel shall also be available to provide mediation services or a professional mediator, as a delegate, if the parties to a settlement conference require or request assistance.

(Jan. 24, 1934, 48 Stat. 321, ch. 4, § 4; Apr. 20, 1948, 62 Stat. 176, ch. 217, § 2; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); Mar. 3, 1979, D.C. Law 2-139, § 3205(h), 25 DCR 5740; Sept. 29, 1982, D.C. Law 4-157, § 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(1), 30 DCR 5927; Sept. 26, 1984, D.C. Law 5-119, § 2, 31 DCR 4040; Mar. 14, 1985, D.C. Law 5-159, § 25(a), 32 DCR 30; May 24, 1994, D.C. Law 10-122, § 2(b), 41 DCR 1658; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-104(b). For notes from former § 25-104, see § 25-206.

Prior Codifications

1981 Ed., § 25-206.

1973 Ed., § 25-104.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Delegation of Authority

Delegation of Authority Pursuant to D.C. Law 13-298, the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, see Mayor's Order 2001-96, June 28, 2001 (48 DCR 6277).

Miscellaneous Notes

Partial Rescission of Delegation of Authority Pursuant to DC Law 13-298, the Title 25, DC Code Enactment and Related Amendments Act of 2001, see Mayor's Order 2001-102, July 23, 2001 (48 DCR 7792).

§ 25-209. COMMUNITY RESOURCE OFFICER.

The Director shall appoint an employee to be a community resource officer, who shall serve as the primary contact for members of the community, both residents and businesses, wishing to submit complaints or to protest a license. The community resource officer shall provide information to citizens and the business community about the license application process, qualifications, complaint or protest process, and the citizen's or businesses' responsibilities and options in each step of the process.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-210. ABRA FUNDING.

(a) There is established a fund designated as the Alcoholic Beverage Regulation Administration Fund, which shall be separate from the General Fund of the District of Columbia. All funds obtained from alcoholic beverage licensing and permitting fees shall be deposited into the ABRA Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the ABRA Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this subsection, subject to authorization by Congress in an appropriations act. The funds deposited in the ABRA Account shall be used to fund the expenses of ABRA in the discharge of its administrative and regulatory duties. Funds obtained from penalties and fines, as prescribed by Chapter 8 of this title, shall be credited to the General Fund of the District of Columbia.

(b) The Mayor shall submit to the Council, as part of the annual budget, a budget for ABRA and a request for an appropriation for expenditures from the ABRA Fund. This estimate shall include expenditures for salaries, fringe benefits, overhead charges, training, supplies, technical, professional, and any and all other services necessary to discharge the duties and responsibilities of ABRA.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 3, 2001, D.C. Law 14-28, § 3002(b), 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 59, 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 14-28 substituted "ABRA Fund" for "ABRA Account" in subsec. (b); and rewrote subsec. (a) which had read as follows:

"(a) There is established within the General Fund of the District of Columbia an account designated as the Alcoholic Beverage Regulation Administration Account, to which all funds obtained from alcoholic beverage taxes and licensing and permitting fees shall be credited. Any monies deposited in the ABRA Account but not expended in a fiscal year shall be returned to the General Fund. Subject to the applicable laws relating to the appropriation of District funds, monies received and credited to the ABRA Account shall be used to fund the expenses of ABRA in the discharge of its administrative and regulatory duties. Funds obtained from penalties and fines, as prescribed by Chapter 8, shall be credited to the General Fund."

D.C. Law 15-105, in subsec. (a), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see §§ 2702(b) and 2703 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 14-28, see notes following § 25-101.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Miscellaneous Notes

D.C. Law 14-28, § 3003 provides that: "This title [Title XXX of Law 14-28] shall apply as of May 3, 2001."

Section 9026 of D.C. Law 19-21 provides:

"Sec. 9026. ABC--Keg Registration Fees.

"Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6018 within the Alcoholic Beverage Regulation Administration shall be deposited in the Alcoholic Beverage Regulation Administration Fund, established by D.C. Official Code § 25-210(a), and shall not be accounted for by a separate fund or account. Any unexpended funds in fund 6018 on the effective date of this subtitle shall be transferred to the Alcoholic Beverage Regulation Administration Fund."

§ 25-211. REGULATIONS.

(a)(1) Within 180 days after May 3, 2001, the Mayor shall issue conforming regulations necessary or appropriate to carry out the provisions of this title.

(2) The Mayor shall submit the proposed regulations to the Council for a 45-day period of review. The Council may approve the proposed regulations in whole or in part. If the Council has not approved the regulations upon expiration of the 45-day review period, the regulations shall be deemed disapproved.

(3) The current regulations in Chapter 23 of the District of Columbia Municipal Regulations shall remain in effect until the Council approves new regulations as provided in this subsection.

(b)(1) The Mayor shall submit other proposed regulations to the Council for a 90-day period of review.

(2) The Council may approve the proposed regulations in whole or in part. If the Council has not approved the regulations upon expiration of the 90-day review period, the regulations shall be deemed disapproved.

(3) The Mayor may submit proposed regulations under this subsection regarding the regulation of promotional events such as pub crawls.

(c) The Mayor may in any time of public emergency, without previous notice or advertisement, prohibit the sale of any or all alcoholic beverages.

(d)(1) Any regulations promulgated under this section shall become effective 5 days after being published in the District of Columbia Register.

(2) Within 30 days after their promulgation, the regulations shall also be published in a newspaper of general circulation in the District. Failure to do so shall not affect the validity of the regulations.

(e) Within 180 days after May 3, 2001, the Board shall implement a process to provide additional notification, via electronic media, to the public and Advisory Neighborhood Commissions of the publication of proposed and adopted regulations.

(f) The Board shall establish, under subsection (b) of this section, procedures to implement § 25-601 to:

(1) Receive written complaints from the public, regarding community concerns about the activity at a site;

(2) Conduct protest hearings regarding community concerns filed under paragraph (1) of this subsection; and

(3) Place restrictions upon the number, nature, or size of events permitted at a site, based on findings of fact and conclusions of law determining that events at the site have violated District of Columbia law and created parking, trash, noise, congestion or other alcohol-related problems which have been substantially injurious to neighborhood residents.

(Jan. 24, 1934, 48 Stat. 322, ch. 4, § 7, June 29, 1953, 67 Stat. 102, ch. 159, § 404(a); Oct. 4, 1961, 75 Stat. 820, Pub. L. 87-389, § 3; Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 403; Sept. 22, 1970, 84 Stat. 853, Pub. L. 91-405, title II, § 204(f); Jan. 5, 1971, 84 Stat. 1940, Pub. L. 91-650, title VII, § 706; Mar. 5, 1981, D.C. Law 3-157, § 2(a), 27 DCR 5117; July 24, 1982, D.C. Law 4-131, § 501, 29 DCR 2418; Sept. 29, 1982, D.C. Law 4-157, §§ 4, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5- 51, § 2(b)(3), 30 DCR 5927; Feb. 24, 1987, D.C. Law 6-192, § 26(a), 33 DCR 7836; Mar. 7, 1987, D.C. Law 6-217, § 4, 34 DCR 907; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 26, 2001, D.C. Law 14-42, § 6(b), 48 DCR 7612; Mar. 13, 2004, D.C. Law 15-105, § 26(b)(1), 51 DCR 881; Sept. 30, 2004, D.C. Law 15-187, § 101(g), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-107 and 25-145.

Prior Codifications

1981 Ed., § 25-211.

1973 Ed., § 25-107.

Effect of Amendments

D.C. Law 14-42 validated the previously made technical corrections in § 25-211.

D.C. Law 15-105 validated a previously made technical correction.

D.C. Law 15-187, in subsec. (b), substituted "90-day period of review" for "45- day period of review" in par. (1), and substituted "90-day review period, the regulations shall be deemed disapproved" for "45-day review period, the regulations shall be deemed approved" in par. (2).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6(b) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Law 3-157, the "Alcoholic Beverage Control Act Amendments of 1980," was introduced in Council and assigned Bill No. 3-256, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on October 14, 1980 and October 28, 1980, respectively. Signed by the Mayor on November 10, 1980, it was assigned Act No. 3-284 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 25-907.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-51, see Historical and Statutory Notes following § 25-206.

Law 6-192, the "Technical Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-544, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 5, 1986 and November 18, 1986, respectively. Signed by the Mayor on December 10, 1986, it was assigned Act No. 6-246 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-217, see Historical and Statutory Notes following § 25-101.

For Law 14-42, see notes following § 25-120.

For Law 15-105, see notes following § 25-210.

For Law 15-187, see notes following § 25-101.

Delegation of Authority

Delegation of authority, see Mayor's Order 88-42, February 16, 1988.

Delegation of Authority Pursuant to D.C. Law 13-298, the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, see Mayor's Order 2001-96, June 28, 2001 (48 DCR 6277).

Resolutions

Resolution 15-339, the "Revised Alcoholic Beverage Regulations Approval and Disapproval Resolution of 2003", was approved effective December 2, 2003.

Resolution 16-292, East Dupont Circle Liquor License Moratorium Approval Resolution of 2005", was approved effective September 20, 2005.

Resolution 16-350, the "West Dupont Circle Liquor License Moratorium Rulemaking Approval Resolution of 2005", was approved effective November 1, 2005.

Resolution 17-266, the "Adams Morgan Liquor License Moratorium Amendment Approval Resolution of 2007", was approved effective July 10, 2007.

Resolution 17-336, the "H Street Moratorium Emergency Approval Resolution of 2007", was approved effective July 10, 2007.

Resolution 17-516, the "Administrative Review Process Approval Resolution of 2008", was approved effective February 5, 2008.

Resolution 17-910, the "Glover Park Liquor License Moratorium Approval Resolution of 2008", was approved effective December 16, 2008.

Resolution 17-911, the "West Dupont Circle Liquor License Moratorium Amendment Approval Resolution", was approved effective December 16, 2008.

Resolution 17-912, the "Adams Morgan Liquor License Moratorium Approval Resolution of 2008", was approved effective December 16, 2008.

Resolution 18-521, the "West Dupont Circle Moratorium Zone Regulations Approval Resolution of 2010", was

approved effective June 29, 2010.

Resolution 18-522, the "East Dupont Circle Moratorium Zone Regulations Approval Resolution of 2010", was approved effective June 29, 2010.

Resolution 18-540, the "Drinking and Driving Warning Sign Regulation Approval Resolution of 2010", was approved effective July 13, 2010.

Resolution 18-700, the "Off Site Food Sales Approval Resolution of 2010", was approved effective December 21, 2010.

Resolution 18-701, the "Georgetown Moratorium Zone Revised Approval Resolution of 2010", was approved effective December 21, 2010.

Miscellaneous Notes

Brew-Pub Zone Expansion Resolution of 1997: Proposed Resolution 12-0114, the "Brew-Pub Zone Expansion Resolution of 1997" was deemed approved, effective Feb. 5, 1997.