

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 25.
ALCOHOLIC BEVERAGE REGULATION.

CHAPTER 6.
PROTESTS, REFERENDUM, AND COMPLAINTS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 6. PROTESTS, REFERENDUM, AND
COMPLAINTS.

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CHAPTER 6. PROTESTS, REFERENDUM, AND COMPLAINTS.

§ 25-601. STANDING TO FILE PROTEST AGAINST A LICENSE.

The following persons may protest the issuance or renewal of a license, the approval of a substantial change in the nature of operation as determined by the Board under § 25-404, a new owner license renewal, or the transfer of a license to a new location:

- (1) An abutting property owner;
- (2) A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest; provided, that in a moratorium zone established under § 25-351 (or in existence as of May 3, 2001), a group of no fewer than 3 residents or property owners of the District sharing common grounds for their protest;
- (3) A citizens association incorporated under the laws of the District of Columbia located within the affected area; provided, that the following conditions are met:
 - (A) Membership in the citizens association is open to all residents of the area represented by the association; and
 - (B) A resolution concerning the license application has been duly approved in accordance with the association's articles of incorporation or bylaws at a duly called meeting, with notice of the meeting being given at least 10 days before the date of the meeting.
- (4) An affected ANC;
- (5) In the case of property owned by the District within a 600-foot radius of the establishment to be licensed, the Mayor;
- (6) In the case of property owned by the United States within a 600-foot radius of the establishment to be licensed, the designated custodian of the property; or
- (7) The Metropolitan Police Department District Commander, or his or her designee, in whose Police District the establishment resides.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 26, 2001, D.C. Law 14-42, § 6(d), 48 DCR 7612; Sept. 30, 2004, D.C. Law 15-187, § 101(x), 51 DCR 6525; Mar. 2, 2007, D.C. Law 16-191, § 47(a), 53 DCR 6794.)

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 14-42 validated the previously made technical correction in par. (2).

D.C. Law 15-187 deleted ", or initiate a referendum as set forth in § 25-604" following "new location" in the lead-in language; and rewrote par. (3) which had read as follows:

"(3) A citizens association incorporated under the laws of the District of Columbia located within the affected area;"

D.C. Law 16-191, in the introductory language, inserted "or" preceding "the transfer".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6(d) 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.

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

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

For Law 16-191, see notes following § 25-101.

Delegation of Authority

Delegation of Authority to the Director of the Office of Property Management to Protest the Issuance or Renewal of Alcoholic Beverage Licenses Pursuant to D.C. Official Code § 25-601(5)(2001), see Mayor's Order 2004-182, November 9, 2004 (51 DCR 11351).

§ 25-602. FILING A PROTEST--TIMING AND REQUIREMENTS.

(a) Any person objecting, under § 25-601, to the approval of an application shall notify the Board in writing of his or her intention to object and the grounds for the objection within the protest period.

(b) If the Board has reason to believe that the applicant did not comply fully with the notice requirements set forth in subchapter II of Chapter 4, it shall extend the protest period as needed to ensure that the public has been given notice and has had adequate opportunity to respond.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; 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 § 25-115(c)(4). For notes from former Code § 25-115, see Code § 25-301.

Prior Codifications

1981 Ed., § 25-602.

1973 Ed., § 25-115.

Legislative History of Laws

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

§ 25-603. REFERENDUM PROCESS--GENERAL PROVISIONS.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(1), (2). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-603.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

§ 25-604. APPLICATION TO INITIATE A REFERENDUM PROCESS.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-604.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

Delegation of Authority

Delegation of Authority to the Director of the Office of Property Management to Protest the Issuance or Renewal of Alcoholic Beverage Licenses Pursuant to D.C. Official Code § 25-601(5)(2001), see Mayor's Order 2004-182, November 9, 2004 (51 DCR 11351).

§ 25-605. REFERENDUM--ANC REVIEW OF PETITION PROPOSAL AND STATEMENT.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-605.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

§ 25-606. CIRCULATION OF APPROVED STATEMENT.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law

5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(3), (4). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-606.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

§ 25-607. APPROVAL OF PETITIONS SUBMITTED TO THE BOARD.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(6) - (7A). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-607.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

§ 25-608. LICENSES EXEMPT FROM REFERENDUM PROCESS.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(y), 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 § 25-115(e)(10). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-608.

1973 Ed., § 25-115.

Legislative History of Laws

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

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

§ 25-609. ANC COMMENTS.

The affected ANC shall notify the Board in writing of its recommendations, if any, not less than 7 calendar days before the date of the hearing. Whether or not the ANC participates as a protestant, the Board shall give great weight to the ANC recommendations as required by subchapter V of Chapter 3 of Title 1. The applicant shall have the opportunity to respond to the ANC recommendations in a manner to be prescribed in the rules adopted 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.

Legislative History of Laws

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