

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-206

"Opened Alcoholic Beverage Containers Amendment Act of 1998"

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. 12-612, on first and second readings, July 7, 1998 and September 22, 1998, respectively. Following the signature of the Mayor on October 14, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-493 and published in the December 4, 1998, edition of the D.C. Register (Vol. 45 page 8430) and transmitted to Congress on January 29, 1999 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 12-206, effective March 26, 1999.



LINDA W CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

AN ACT

D.C. ACT 12-493

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 1998

To amend the Alcoholic Beverage Control Act to provide a definition of opened containers and parking and to permit residents to consume alcohol in areas of their property that are commonly considered to be for their use and enjoyment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Opened Alcoholic Beverage Containers Amendment Act of 1998".

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 (D.C. Code § 25-103) is amended by adding new paragraphs (11A) and (11B) to read as follows:

Section
25-103

"(11A) The words "opened container" mean a bottle, can, or other container that is open or from which the top, cap, cork, seal, or tab seal has at some time been removed.

"(11B) The word "parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District."

(b) Section 28 (D.C. Code § 25-128) is amended to read as follows:

Section
25-128

"(a) Except as provided in subsections (b) and (c) of this section, no person in the District of Columbia shall drink or possess, in an opened container, any alcoholic beverage in any of the following places:

"(1) In any street, alley, park, or parking;

"(2) In any vehicle in any street, alley, park, or parking;

"(3) In or upon any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation, that are not licensed pursuant to this act; in any place to which the public is invited for which a license has not been issued under this act, permitting the sale and consumption of such alcoholic beverage upon such premises licensed under section 11(a)(12); or

"(4) In any place to which the public is invited (for which a license under this act has been issued) at a time when the sale of such alcoholic beverages on the premises is

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prohibited by this act or by the regulations promulgated thereunder, or in any place for which a license under section 11(a)(12) has been issued at a time when the consumption of such alcoholic beverages on the premises is prohibited by regulations promulgated under this act.

"(b) Subsection (a)(1) of this section shall not apply when drinking or possession of alcoholic beverages occurs in or on a structure which projects upon the parking, and which is an integral, structural part of a private residence, such as, without limitation, a front porch, terrace, bay window, or vault, and when done by, or with the permission of, the owner or resident.

"(c) Subsection (a)(2) of this section shall not apply to possession of an opened container of alcoholic beverages contained in a trunk, cargo area, or storage compartment of a vehicle that is inaccessible from the passenger area of that vehicle, or, if the vehicle does not have a storage compartment, in the section of the vehicle most inaccessible to the passenger area.

"(d) No person in the District, whether in or on public or private property, shall be intoxicated and endanger the safety of that person or the person or property of any other person.

"(e) Any person violating the provisions of subsections (a) and (d) of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or both.

"(f) Any person in the District who is intoxicated in public who is not conducting himself in such manner as to endanger the safety of himself or of any other person or of property, shall be dealt with in accordance with section 4 of An Act To establish a program for the rehabilitation of alcoholics, promote temperance, and provide for the medical and scientific treatment of persons found to be alcoholics by the courts of the District of Columbia, and for other purposes, approved August 4, 1947 (61 Stat. 745; D.C. Code § 24-524)."


Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. Code § 1-233(c)(3)).

Sec. 4. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

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Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE
UPON EXPIRATION OF THE 10-DAY MAYORAL
REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia

October 14, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B12-612

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-7-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED, MASON AND SMITH VOTED NO

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Quayle
Secretary to the Council

September 25, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Quayle
Secretary to the Council

September 25, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date