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Councilmember Jim Graham

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Jim Graham, introduced the following bill, which was referred to the Committee on _____.

To amend Title 25 of the District of Columbia Official Code to define the term miniature; to clarify what constitutes a nude performance; to define overconcentration; to increase the wine alcohol percentage that can be sold by retailer’s class B licensees from 14% to 15%; to allow full-service grocery stores to sell growlers containing beer for off-premises consumption; to allow retailer’s class C and D licensees to purchase from retailer’s class A licensees when District wholesalers are closed; to make it a secondary tier violation to knowingly allow a patron to exit an on-premises establishment with an open container of alcohol; to allow caterers that also hold an on-premises retailer’s license to purchase alcoholic beverages from a wholesaler for all catered events; to allow licensed establishments to store books and records on the premises electronically; to clarify that the holder of a temporary license can receive alcoholic beverage deliveries from wholesalers up to 48 hours before a Board-approved event; to clarify which on-premises retail licensees are eligible to apply for a brew pub permit and allow brew pubs to sell growlers of beer to consumers for off-premises consumption; to create a new wine pub permit that allows for the manufacturing and the sale of wine to consumers; to require ABRA to establish a new licensee orientation class; to permit the issuance of additional retailer’s class B licenses if the total number of retailer’s class B licenses is less than 300; to clarify the required elements of a security plan; to require notice of placarded license applications to citizens associations registered with ABRA; to clarify the voluntary agreement enforcement penalties available to the Board; to clarify the conditions that are permitted to be in a voluntary agreement; to create a stipulated license fee; to correct a technical error by deleting the term “new owner license renewal” from D.C. Code § 25-601; to require a group of five or more residents or property owners to be within a 400 foot radius to qualify for standing; to require

1 citizens associations to give notice to applicants and offer applicants an
2 opportunity to address their voting body at a duly scheduled meeting; to clarify
3 the impact of a voluntary agreement submitted by an affected ANC when a
4 protest of a license application is pending; to allow Sunday alcoholic beverage
5 sales by retailer’s class A licensees; to eliminate the requirement that on-premises
6 licensees register for an additional hour of alcohol sales due to daylight saving
7 time on the second Sunday of March starting in Fiscal Year 2014; to clarify that
8 D.C. Code § 25-725 does not apply to heating, ventilation, and air conditioning
9 services; to require that windows and doors of an establishment remain closed for
10 a noise violation under D.C. Code § 25-725 to occur; to establish an affirmative
11 defense to a violation of D.C. Code § 25-783(a) that the person was 21 years of
12 age or older; to create a fee for maintaining licenses in safekeeping; to require that
13 an investigation be conducted before taking summary enforcement action against
14 a licensee; to allow the Board to fine a licensee \$30,000 and suspend a license for
15 30 consecutive days for a fourth primary tier violation within four years; to make
16 it a primary tier violation to sell or serve alcoholic beverages on a suspended or
17 expired license or a license held in safekeeping; to make it a primary tier violation
18 for failure to comply with the statutory food requirements; to require ABRA to
19 maintain a noise complaint line and track noise complaints; to amend Title 42 of
20 the District of Columbia Official Code to require real estate brokers and property
21 managers to notify potential buyers and tenants of their rights under the District’s
22 noise laws; and to amend Title 6 of the District of Columbia Official Code to
23 create new soundproofing requirements for mixed use buildings constructed after
24 January 1, 2013.

25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

26 That this act may be cited as the “Omnibus Alcoholic Beverage Regulation Amendment
27 Act of 2012”.

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

29 (a) Section 25-101 is amended as follows:

30 (1) A new paragraph (32A) is added to read as follows:

31 “(32A) “Miniature” means an alcoholic beverage in a sealed container
32 holding 50 milliliters or less.”.

33 (2) Paragraph (34) is amended by replacing the word “buttocks” with the
34 word “anus”.

1 (3) A new paragraph (35A) is added to read as follows:

2 “(35A) “Overconcentration” means where there exists a number of
3 licensed establishments that adversely affect a specific locality, section, or portion of the
4 District of Columbia, including consideration of the appropriateness standards under
5 section 25-313(b).”.

6 (4) Paragraph (56) is amended by replacing the phrase “14%” with the
7 phrase “15%”.

8 (b) Section 25-112 is amended as follows:

9 (1) Section 25-112(a) is amended by adding the sentence “An off-
10 premises retailer’s class B license, issued to a full-service grocery store that meets the
11 requirements of section 25-331(d), may also sell beer to patrons for off-premises
12 consumption in bottles or other closed containers that have been resealed by the licensee
13 at the licensed establishment provided that the capacity of each individual container sold
14 is 64 ounces or less.

15 (2) Section 25-112(c) is amended by adding a new paragraph (2A) to read
16 as follows:

17 “(2A) Licensees under a temporary license or an on-premises retailer’s
18 class C or D license, if the alcoholic beverages were purchased by the off-premises
19 retailer from a licensee under a wholesaler license or brought into the District under a
20 validly issued import permit; provided, that sales to an on-premises retailer’s class C and
21 D license, may be made only on a Saturday, Sunday, or holiday during the hours when
22 licensees under a wholesaler’s license are closed; provided further, that an on-premises
23 retailer’s licensee shall maintain on the licensed premises for three years either a receipt

1 or invoice containing:

2 “(A) The date of the purchase;

3 “(B) The quantity and brand name of the alcoholic beverages
4 purchased; and

5 “(C) The name of the on-premises licensee to which the sale was
6 made.”.

7 (c) Section 25-113 is amended as follows:

8 (1) Subsection (a)(2)(A) is amended by adding the sentence “It shall be a
9 secondary tier violation for an on-premises retailer’s class C or D licensee, to knowingly
10 allow a patron to exit the licensed establishment with an alcoholic beverage in an open
11 container.” at the end of the subsection.

12 (2) Subsection (i)(5) is amended by replacing the phrase “100 persons.”
13 with the phrase “100 persons, provided, however, that nothing herein shall prohibit a
14 caterer which also holds an on-premises retailer’s license from purchasing alcoholic
15 beverages from wholesalers for use at catered events regardless of the number of persons
16 attending the event.”.

17 (3) Subsection (j)((3)(B) is amended by adding the sentence “A licensee
18 may also store its books and records on the premises electronically; provided that the
19 records are made immediately available at the request of ABRA staff.” at the end of the
20 subsection.

21 (d) Section 25-115 is amended by adding a new subsection (f) to read as follows:

22 “(f) The holder of a temporary license shall be permitted to receive deliveries
23 from a wholesaler up to 48 hours before a Board-approved event occurring on a Saturday,

1 Sunday, or holiday, provided that the alcoholic beverages are not consumed until the date
2 and time of the event and are stored in a secure location.

3 (e) Section 25-117 is amended as follows:

4 (1) Subsection (a) is amended to read as follows:

5 “(a) A brew pub permit shall authorize the licensee to brew malt beverages at one
6 location for on-premises consumption at a licensed restaurant, tavern, multipurpose
7 facility, hotel, or nightclub and for sale to licensed retailers or to wholesalers for the
8 purpose of resale to other licensees. The holder of a brew pub permit may also sell beer
9 to patrons in sealed bottles or other closed containers for off-premises consumption
10 provided that the capacity of each individual container sold is 64 ounces or less. The
11 location used to manufacture malt beverages shall be on or immediately adjacent to the
12 restaurant, tavern, multipurpose facility, hotel, or nightclub licensed to the brew pub
13 owner in accordance with subsection (b) of this section.

14 (2) Subsection (b) is amended to read as follows:

15 “(b) A brew pub permit shall be issued only to the licensee under an on-premises
16 restaurant, tavern, multipurpose facility, hotel, or nightclub license, Class C or D, in
17 conjunction with the issuance of an on-premises restaurant, tavern, multipurpose facility,
18 hotel, or nightclub license, Class C or D.

19 (3) Subsection (c) is amended to read as follows:

20 “(c) A brew pub permit shall be cancelled or revoked if:

21 (1) The restaurant, tavern, multipurpose facility, hotel, or nightclub ceases
22 to be operated as a restaurant, tavern, multipurpose facility, hotel, or nightclub, or

23 (2) The licensee’s on-premises retailer’s license, Class C or D, is revoked

1 or cancelled.

2 (f) A new section 25-124 (Wine Pubs) is added to read as follows:

3 (a) A wine pub permit shall authorize the licensee to manufacture wine at one
4 location from grapes or fruit transported from an area that produces wine to the licensed
5 restaurant, tavern, multipurpose facility, hotel, or nightclub for on-premises consumption
6 and for sale to licensed retailers or to wholesalers for the purpose of resale to other
7 licensees.

8 (b) The holder of a wine pub permit may also sell wine to patrons in sealed bottles
9 or other closed containers for off-premises consumption. The location used to
10 manufacture wine shall be on or immediately adjacent to the restaurant, tavern,
11 multipurpose facility, hotel, or nightclub licensed to the wine pub owner in accordance
12 with subsection (c) of this section. The minimum annual fee of the wine pub permit shall
13 be \$5,000.

14 (c) A wine pub permit shall be issued only to the licensee under an on-premises
15 restaurant, tavern, multipurpose facility, hotel, or nightclub license, Class C or D, in
16 conjunction with the issuance of an on-premises restaurant, tavern, multipurpose facility,
17 hotel, or nightclub license, Class C or D.

18 (d) A wine pub permit shall be cancelled or revoked if:

19 (1) The restaurant, tavern, multipurpose facility, hotel, or nightclub ceases
20 to be operated as a restaurant, tavern, multipurpose facility, hotel, or nightclub, or

21 (2) The licensee's on-premises retailer's license, Class C or D, is revoked
22 or cancelled.

23 (e) A wine pub permit shall be automatically suspended whenever and for the

1 same period that the licensee’s retailer’s license, Class C or D, is suspended.

2 (g) A new section 25-212 (Licensee Orientation) is added to read as follows:

3 “(a) ABRA shall establish a new licensee orientation class which shall be
4 available to licensees and the public at no charge. The class curriculum shall include but
5 not be limited to: (1) a review of relevant provisions contained in both this Title and Title
6 23 of the DCMR, (2) noise abatement and sound management, and (3) how to work
7 proactively with Advisory Neighborhood Commissions, neighborhood and business
8 groups, and residents.”

9 (h) Section 25-332(a) is amended to read as follows:

10 “(a) No new off-premises retailer’s class B license, shall be issued; except, if the
11 number of retailer’s class B licenses is less than the quota of 300 set forth in section 25-
12 331(b), the Board may issue a new retailer’s class B license; provided, that a condition of
13 such a license shall be that the sale of alcoholic beverages for consumption off-premises
14 shall not constitute no more than 25% of the total volume of gross receipts of the licensee
15 on an annual basis. No more than one retailer’s class B license under this subsection
16 shall be issued to the same applicant or to an individual with an ownership interest in
17 another license issued under this subsection. The issuance of new retailer’s class B
18 licenses under this subsection shall be tracked and audited by ABRA and subject to the
19 reporting requirements set forth in section 25-112(e).”.

20 (i) Section 25-402(f) is amended as follows:

21 (1) Paragraph (4) is amended by deleting the word “and” at the end of the
22 sentence.

23 (2) New paragraphs (6) and (7) shall be added to read as follows:

1 “(6) The establishment’s procedures for preserving a crime scene; and

2 “(7) In the event that cameras are required by the Board or the establishment’s
3 security plan, the establishment shall ensure that: (1) cameras utilized by the
4 establishment are operational; (2) footage of a crime of violence or a dangerous crime
5 involving a gun is maintained for a minimum of thirty (30) days; and (3) security footage
6 is made available within 48 hours upon the request of ABRA or MPD.”.

7 (j) Section 25-403(g) is amended as follows:

8 (1) Paragraph (4) is amended by deleting the word “and” at the end of the
9 sentence.

10 (2) New paragraphs (6) and (7) shall be added to read as follows:

11 “(6) The establishment’s procedures for preserving a crime scene; and

12 “(7) In the event that cameras are required by the Board or the establishment’s
13 security plan, the establishment shall ensure that: (1) cameras utilized by the
14 establishment are operational; (2) footage of a crime of violence or a dangerous crime
15 involving a gun is maintained for a minimum of thirty (30) days; and (3) security footage
16 is made available within 48 hours upon the request of ABRA or MPD.”.

17 (k) Section 25-421 is amended by adding a new paragraph (5) to read as follows:

18 “(5) A citizens association meeting the requirements of § 25-601(3), provided that
19 the citizens association has, at least 30 days before receipt of the application, registered
20 with ABRA by providing a copy of its charter, and an e-mail or other electronic address
21 in a form consistent with agency procedure.”.

22 (l) Section 25-446 is amended as follows:

23 (1) Subsection (e) is amended to read as follows:

1 “(e) Upon a determination that the licensee has violated the voluntary agreement,
2 the Board shall penalize the licensee according to the provisions set forth for violations of
3 a license in Chapter 8.

4 (2) A new subsection (f) is added to read as follows:

5 “(f) A voluntary agreement may include the following:

6 1. Entertainment

7 (a) A voluntary agreement shall not prohibit an applicant or existing
8 licensee from providing specific types of music or entertainment for
9 indoor and outdoor facilities. Restrictions on entertainment shall be
10 limited to the following:

- 11 i. Prohibition on entertainment
- 12 ii. Hours of entertainment; and
- 13 iii. Specification of physical attributes to mitigate noise
14 emanating from the outdoor facility. Physical attributes
15 may include architectural features, sound barriers, and
16 placement of speakers.

17 2. Noise

18 a. A voluntary agreement may specify methods to mitigate the level of
19 noise heard outside of the establishment, including:

- 20 i. Sound attenuation elements
- 21 ii. Keeping the doors and windows closed (except for ingress
22 and egress) during hours of entertainment, and
- 23 iii. Indoor entertainment may be restricted to a specific area.

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3. Litter

- a. A voluntary agreement may describe reasonable efforts that the applicant or existing licensee shall take to control litter and other debris in the immediate area surrounding the establishment, including the following:
 - i. Indicating the frequency that the applicant or existing licensee shall monitor the area;
 - ii. Indicating the days and time that the applicant or existing licensee shall remove trash; and
 - iii. Efforts by the establishment to limit rat and vermin populations.

4. Parking

- a. A voluntary agreement may describe parking arrangements, if any, including the use of valet service contingent on proper permitting by DDOT.

5. Security

- a. A voluntary agreement may require that the applicant or existing licensee maintain an incident log.
- b. A voluntary agreement may require that the incident log be made available to ABRA and the Board, upon request.

6. Notice to Cure

- a. A voluntary agreement may include a notice to cure provision.

7. Hours of Operation an Sales and Service of Alcohol

1 a. A voluntary agreement may restrict hours of operation and sales and
2 service for a new or existing licensee’s facilities with respect to the
3 following considerations:

4 (i) A licensee’s history of previous violations;

5 (ii) The proximity of the establishment to a residential district;

6 and

7 (iii) The hours of operation and sales and service of alcohol for
8 existing licensees in the area.

9 8. Occupancy

10 a. A voluntary agreement may restrict the utilization of floors,
11 occupancy, and the number of seats for existing licensees with respect
12 to the following considerations:

13 (i) A licensee’s history of previous violations;

14 (ii) The proximity of the establishment to a residential district;

15 and

16 (iii) The hours of operation and sales and service of alcohol for
17 existing licensees in the area

18 9. Restatement of Law

19 a. A voluntary agreement may include statements that stipulate that the
20 establishment must comply with an existing District statute or regulation, or must comply
21 with privileges granted by ABRA or another District agency. However, a licensee may
22 not be fined or suspended for a violation of the ABC laws and regulations and also fined
23 or suspended for a violation of its voluntary agreement arising from a single violation.”

1 (3) A new subsection (g) is added to read as follows:

2 “(g) A voluntary agreement shall not include the following:

3 1. Limitations on Restraint of Trade

4 (a) A voluntary agreement shall not include statements that restrain the
5 ability of the applicant or existing licensee to operate its business,
6 including:

7 (i) Requirements that the ANC or other community members
8 approve future ownership changes;

9 (ii) Requirements that the ANC or other community members
10 be notified of intent to transfer ownership;

11 (iii) Prohibitions against the applicant or existing licensee
12 applying for a change in license class;

13 (iv) A requirement that the applicant or existing licensee change
14 the license class before selling the license;

15 (v) Requirements that prohibit the licensee from applying for
16 changes to licensed operation procedures, including
17 applications for summer gardens, sidewalk cafes, rooftop
18 decks, entertainment endorsements, and changes of hours:

19 (vi) Mandates regarding specific brands of alcohol or pricing
20 for alcohol;

21 (vii) Restrictions on the age of patrons; and

22 (viii) Requirements that the applicant or existing licensee use a
23 specific company for services.

1 2. Creation of Additional Procedures

2 (a) A voluntary agreement shall not include statements that create
3 additional administrative procedures in addition to those required by ABRA or another
4 District agency.

5 3. Attendance at Meetings

6 (a) A voluntary agreement shall not require that the applicant or existing
7 licensee attend ANC meetings or other community meetings.

8 4. Conflicts of Interest

9 (a) A voluntary agreement shall not include statements or requirements
10 that the applicant or existing licensee:

11 (i) Provide money, special considerations, or other financial
12 benefits to the community;

13 (ii) Requirements that the applicant or existing licensee join
14 any group; and

15 (iii) Requirements that the applicant or existing licensee hire
16 local individuals

17 5. Enforceability

18 (a) All provisions of a voluntary agreement shall be measurable and
19 enforceable by ABRA or the Board.

20 (b) A voluntary agreement not approved by the Board shall not be
21 enforced by ABRA or the Board.

22 6. Contracts and Incident Logs

23 (a) A voluntary agreement shall not require that contracts, incident logs, or

1 similar documents, be made available to the ANC or other community groups
2 or members. A contract, incident log, or similar document may be requested
3 by the ANC or community groups from ABRA or the Board.

4 (m) Section 25-501 is amended by adding a new subsection (f) to read as follows:

5 “(f) The minimum fee for a stipulated license issued by the Board shall be \$100.”

6 (n) Section 25-601 is amended as follows

7 (1) Delete the phrase “a new owner license renewal,”.

8 (2) Subsection (2) is amended to read as follows:

9 “(2) A group of no fewer than five (5) residents or property owners of the
10 District residing or owning property within a 400 foot radius of the Applicant’s
11 establishment.”.

12 (3) Subsection (3)(B) is amended to read as follows:

13 “(B) A resolution concerning the license application has been duly
14 approved in accordance with the association’s articles of incorporation or bylaws
15 at a duly called meeting, with notice of the meeting given to the voting body and
16 the applicant at least seven (7) days before the date of the meeting.”.

17 (4) A new subsection (3)(C) is added to read as follows:

18 “(C) The Applicant has been offered an opportunity to address the voting
19 body concerning the application at a duly called meeting.”.

20 (o) Section 25-609 is amended to read as follows:

21 “The affected ANC shall notify the Board in writing of its recommendations, if any, and
22 serve a copy upon the applicant or licensee, not less than seven (7) calendar days before
23 the date of the hearing. Whether the ANC participates as a Protestant, the Board shall

1 give great weight to the ANC recommendations as required by subchapter V of Chapter 3
2 of Title 1. The applicant or licensee shall have the opportunity to respond to the ANC
3 recommendations in a manner to be prescribed in the rules adopted by the Board. In the
4 event that an affected ANC submits a voluntary agreement to the Board on a protested
5 licensed application, the Board shall dismiss the remaining protest groups upon its
6 approval of the voluntary agreement. An affected ANC's submission and approval of a
7 voluntary agreement by the Board shall not dismiss a protest filed by another affected
8 ANC.”.

9 (p) Section 25-722 is amended as follows:

10 (1) Amend subsection (b) by adding the phrase “A or” after the word
11 “class.”.

12 (q) Section 25-723(d) is amended to read as follows:

13 “(d)(1) During the beginning of daylight saving time under section 28-2711, on
14 the second Sunday of March of each year, a licensee under an on-premises
15 retailer’s license may sell and serve alcoholic beverages between 3:00 a.m. and
16 4:00 a.m.

17 (d)(2) A licensee operating under an on-premises retailer’s license shall not be
18 required to obtain Board approval to sell or serve alcoholic beverages in
19 accordance with paragraph (1) of this subsection.

20 (d)(3) This subsection shall take effect on October 1, 2013.”.

21 (r) Section 25-725 is amended as follows:

22 (1) A new subsection (b)(5) is added to read as follows:

23 “(5) Heating, ventilation, and air conditioning devices.”.

1 (2) A new subsection (d) is added to read as follows:

2 (d) The windows and doors of an establishment from which noise can be heard
3 shall be closed prior to determining whether a violation of subsection (a) exists.

4 (s) Section 25-783 is amended by adding a new subsection (e) to read as follows:

5 “(e) An affirmative defense to a violation of subsection (a) of this section shall be
6 that the person is twenty-one years of age or older.”.

7 (t) Section 25-791 is amended by adding a new subsection (h) to read as follows:

8 “(h) The Board shall assess licenses in safekeeping a fee, which shall be 25% of
9 the annual license fee for every six months that the license remains in safekeeping. If the
10 license remains in safekeeping for two years, the safekeeping fee shall increase to 50% of
11 the annual license fee for every six months that the license remains in safekeeping after
12 the two-year period. The fee shall be paid by the licensee at the time the license is placed
13 in safekeeping. Each six-month fee shall be paid in advance by the licensee. The initial
14 six-month fee shall be paid by the licensee at the time of the license is placed in
15 safekeeping. The safekeeping fee shall not apply to licensees serving a suspension.”.

16 (u) Section 25-826 is amended by adding the phrase “after investigation” after
17 the word “may”.

18 (v) Section 25-830 is amended as follows:

19 (1) Subsection (c)(3) is amended to read as follows:

20 “(c)(3) A licensee found in violation of a primary tier offense for the fourth time
21 within four years shall have the license either revoked or fined no less than \$30,000 and
22 suspended for thirty consecutive days.”.

23 (2) New subsections (i) and (j) are added to read as follows:

1 “(i) It shall be a primary tier violation for a licensee to sell or serve alcohol on a
2 suspended or expired license or a license held in safekeeping.”.

3 “(j) It shall be a primary tier violation for a licensee to fail to comply with either
4 of the statutory food requirements in section 25-113.”.

5 (w) A new Section 25-833 (Noise Complaints) is added to read as follows:

6 “(a) ABRA shall maintain a complaint line that can receive noise complaints by
7 phone, email, and fax. The complaint line shall be staffed by an ABRA employee until at
8 least one hour after the legal sale of alcoholic beverages as set forth in section 25-723.
9 ABRA shall track noise complaints including: (1) the time and date of the complaint, (2)
10 the name and address of the establishment, (3) the name and address of the complainant,
11 if available, (4) the nature of the noise complaint, and (5) whether the complaint was
12 substantiated by ABRA.

13 (b) Upon receipt of a noise complaint, ABRA shall attempt to contact the
14 establishment by phone or in person and inform the ABC manager on-duty that a noise
15 complaint has been received, including the nature of the complaint. ABRA shall notify
16 the license holder of the complaint by e-mail, phone or registered mail within 72 hours of
17 receiving the complaint. ABRA shall notify the licensee of the results of any
18 investigation that may result in a show cause hearing within 90 days as required by
19 section 25-832.

20 (x) Section 25-903 is amended by adding a new subsection (c) to read as
21 follows:

22 “(c) In addition to the revenue dedicated pursuant to § 47-2002(b), any taxes
23 collected pursuant to this section attributable to the Sunday sales by class A licensees,
24 pursuant to § 25-722(b), shall be used to fund the reimbursable details authorized
25

1 pursuant to § 25-798.”.

2 Sec. 3. Confirming amendments.

3 (a) Title 23 of the District of Columbia Municipal Regulations is amended as
4 follows:

5 (1) Section 1208 is amended by adding a new subsection 1208.6 to read as
6 follows:

7 “1208.6 The holder of a Retailer’s, Manufacturer’s, or Wholesaler’s license may
8 store books and records on the licensed premises electronically; provided that the records
9 are made immediately available at the request of ABRA staff.”

10 (2) Subsection 2002.1 is amended by adding the phrase “other than one also
11 holding an on-premises retailer’s license under D.C. Official Code § 25-113(a)-(e),” after
12 the phrase “§ 2000.1,”

13 (3) A new subsection 2002.3 is added to read as follows:

14 “2002.3 Any caterer who also holds an on-premises retailer’s license under D.C.
15 Official Code § 25-113(a)-(e) shall be exempt from the provisions of this section.”.

16 (4) Subsection 2003.1 is amended by adding the phrase “, provided, however, that
17 specific approval shall not be required for any caterer which also holds an on-premises
18 retailer’s license under D.C. Official Code § 25-113 (a)-(e).” after the word “Board”.

19 (b) D.C. Code Section 42-1703 is amended by adding a new subsection (p) to read
20 as follows:

21 “(p) A licensee under this subsection shall disclose to potential buyers and tenants
22 their rights under the District of Columbia’s noise laws, including D.C. Code section 25-
23 725. This disclosure shall include whether the resident’s or tenant’s property is entitled

1 to the noise protections contained in this provision.

2 (c) Title 6 of the D.C. Code is amended by adding a new section 6-1413

3 (Soundproofing Requirements) to read as follows:

4 (a) All mixed use buildings, constructed after January 1, 2013, that contain both
5 commercial and residential uses, shall be required to:

6 (1) Install windows that have a minimum sound transmission class (STC)
7 rating of 45 for airborne noise; and

8 (2) Ensure that walls, partitions, and floor ceiling constructions separating
9 dwelling and commercial units from each other have a minimum STC rating of 60 for
10 airborne noise.

11 Sec. 4. Fiscal impact.

12 The Council adopts the fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
14 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
15 206.02(c)(3)).

16 Sec. 5. Effective Date.

17 This act shall take effect following approval by the Mayor (or in the event of veto
18 by the Mayor, action by the Council to override the veto), a 30-day period of
19 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
20 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
21 206.02(c)(1)), and publication in the District of Columbia Register.