

CHAPTER 7. GENERAL OPERATING REQUIREMENTS

700. INSTRUCTIONS TO LICENSEES

700.1 The Board shall develop and furnish to licensees, at the time of issuance of a license, written information describing the laws and rules applicable to the licensee's day-to-day operations.

700.2 Applications shall also be made available on the ABRA website. To the extent possible, applications shall be posted on the ABRA website in various languages for informational purposes. Applications submitted to the Board must be filled out in English.

701. POSTING OF LEGAL DRINKING AGE AND IDENTIFICATION REQUIREMENT

701.1 The notice required to be posted by the applicant pursuant to D.C. Official Code § 25-713, which must state the current legal drinking age and the requirement of patrons to produce a valid identification displaying proof of age, shall be provided to the applicant by the ABC Board at the time the license is delivered to the applicant.

702. USE OF CLASS CX AND DX CLUBS BY NON-MEMBERS

702.1 A club may, without losing its character as a club, grant permission to a member of the club to engage the club property and facilities for the use of an organization, association, or committee of which the club member is also a member; provided, that the granting of use by non-members under this section shall not be so frequent as to constitute a commercial or business purpose.

702.2 The members of the organization, association, or committee using the club may share the expenses of such use.

702.3 The use of a club by an organization, association, or committee in accordance with this section shall not be open to the public.

703. TEMPORARY OPERATING RETAIL PERMIT

703.1 The purchaser of an ABC licensed establishment awaiting Board approval on a transfer of ownership application where no substantial change will occur may apply to the Board for a permit to temporarily operate under the license pursuant to the following conditions:

- (a) the transfer application must be filed with or before the application for temporary authority;
- (b) the subject premises must not have been closed nor the sale or service of alcoholic beverages discontinued during the thirty (30) days immediately prior to the filing of the permit application; and
- (c) that no substantial changes to the licensed premises will occur.

703.2 An applicant for a permit shall complete an application provided by the Board that shall include, but not be limited to, the name of the applicant, the license number, the name of the current licensee, the address of the licensed premises, and a signed affidavit that no substantial change to the licensed premises will occur.

703.3 The holder of a permit may purchase alcoholic beverages only by currency, money order, or check on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

703.4 The permit shall be valid until the applicant's transfer application is either granted or denied by the Board or until the permit is cancelled or suspended by the Board pursuant to § 703.5.

703.5 The permit may, after a hearing, be cancelled or suspended at any time, if the Board determines that good cause exists for the suspension or cancellation of the permit.

704. SURRENDER OF LICENSE

704.1 A license required to be in safekeeping pursuant to D.C. Official Code § 25-791 may be placed in safekeeping by either the Board or the licensee. A request by the licensee to place the license in safekeeping shall be in writing and must state: (1) the reason that the license is being placed in safekeeping and (2) the length of time that the licensee is seeking to keep the license in safekeeping.

704.2 An initial safekeeping period granted by the Board may be extended for reasonable cause as set forth in D.C. Official Code § 25-791(b). The Board shall hold a safekeeping hearing for any license in safekeeping longer than 6 months to determine whether the licensee has made sufficient progress toward reopening or whether the license should be cancelled by the Board.

704.3 Notwithstanding § 704.2, a license for premises located in a moratorium area shall be permitted to be kept in safekeeping with the Board for the length of the moratorium subject to the removal requirements set forth in D.C. Official Code § 25-791(f)

704.4 Whenever a license is being kept in safekeeping with the Board, the licensee shall upon requesting the removal of the license from safekeeping, submit for Board approval detailed plans of its operations upon reopening and shall notify the Board of the anticipated reopening date.

705. HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES

705.1 The new hours for Class A and Class B off-premises retail licensees set forth in D.C. Official Code § 25-722 took effect on August 1, 2001.

705.2 The Board may, by written Order, further limit the hours of sale and delivery set forth in D.C. Official Code § 25-722 on a case-by-case basis upon conclusion of a protest hearing or through Board approval of a cooperative/voluntary agreement.

705.3 Any licensee, who held a Retailer's license Class B, as of May 3, 2001, and who was authorized under its license to sell alcoholic beverages on Sundays, may continue such sales unless the Board, after a hearing, finds that such authority should be discontinued. In determining whether to allow the holder of a Retailer's license Class B to sell on Sundays, the Board shall determine whether Sunday sales are appropriate applying the criteria set forth in D.C. Official Code § 25-313.

705.4 The holder of a Retailer's license Class A or Class B shall not sell or deliver alcoholic beverages during any hour or on any day other than during those days and during those hours stated in D.C. Official Code § 25-722 and § 705.2 of this title.

705.5 The holder of a Retailer's license Class A may sell and deliver, during the hours of sale set forth in D.C. Official Code § 25-722 and § 705.2 of this title, no less than six (6) miniatures of spirits or wine per purchase.

705.6 The holder of a Retailer's license Class A or B may not provide "go-cups" to patrons. A "go-cup" means a drinking utensil provided at no charge or a nominal charge to a patron for the purpose of consuming alcoholic beverages off the premises of an establishment.

705.7 A hotel holding a Retailer's license Class CH or Class DH may make available in the room of a registered adult guest, and charge to the registered guest if consumed, closed miniature containers of spirits, wines, and beer at all hours on any day of the week.

705.8 The holder of a Retailer's license Class C, D, F, or G, or a Catering license issued under D.C. Official Code § 25-113, may sell, dispense, serve, or give away any beverages for consumption on the premises during any hour or on any day other than during those hours prohibited by D.C. Official Code § 25-723.

705.9 The holder of a Retailer's license Class C, D, F, or G, or a Caterer's license may sell, serve, or permit the consumption of alcoholic beverages on the licensed premises at any time except between the hours of:

(a) 2:00 a.m. and 8:00 a.m., Monday through Friday;

(b) 3:00 a.m. and 8:00 a.m., on Saturday; and

(c) 3:00 a.m. and 10:00 a.m., on Sunday.

705.10 The hours of operation set forth in § 705.9 for an ABC establishment may be further reduced by hour restrictions that have been approved as conditions of the establishment's ABC license by the Board.

705.11 On each January 1st, service shall be lawful until 4:00 a.m. by the holder of any license listed in § 705.9. Licensee's listed in § 705.9 shall not be required to obtain Board approval to stay open until 4:00 a.m. on January 1st.

705.12 The holder of a Retailer's license Class C or D, may not serve "back-up" drinks.

706. LOCKING OF BEVERAGES DURING NON-SALE HOURS

706.1 No holder of a Retailer's license Class A, B, C, or D who offers for sale on the licensed premises commodities other than alcoholic beverages shall remain open during hours when the sale of alcoholic beverages is prohibited unless the licensee keeps all of the alcoholic beverages upon the premises in a separate beverage department which is securely closed and locked or there is a licensed manager or owner on the premises during all hours when the sale of alcoholic beverages is prohibited.

707. MANAGER'S LICENSE

707.1 In the absence of a licensee, a Board approved manager shall be present at the licensed premises during the hours that alcoholic beverages are permitted to be sold, served, or consumed on the licensed premises.

707.2 An applicant for a Manager's license shall submit an application to the Board on the prescribed form and pay the required fee.

707.3 If a licensee has designated a person to manage the licensed business, each manager shall be the holder of a valid Manager's license which shall be renewable every two years.

707.4 A Manager's license shall remain valid until surrendered, expired, suspended, or revoked.

707.5 An applicant for a Manager's license shall be investigated and shall be subject to the approval of the Board.

707.6 Prior to issuance of a Manager's license, an applicant shall certify that he or she has obtained and read a copy of the Act (D.C. Official Code §§ 25-101 *et seq.*) and this title.

707.7 A manager holding a valid license according to the provisions of this section may be employed by one (1) or more licensees without further investigation.

707.8 All licensees shall notify the Board within seven (7) calendar days of discovering any manager's arrest or conviction for other than minor traffic violations.

707.9 Failure by the applicant to comply with § 707.8, may, in the discretion of the Board, cause the applicant's license to be suspended or revoked.

707.10 A licensee may file a written request with the Board that an applicant for a Manager's license who has not completed an alcohol training and education certification program be issued a temporary Manager's license subject to the requirements of § 212.2. The written request shall set forth the name of the licensed establishment, the trade name, the address of the establishment, the name of the applicant for the Manager's license, and the reason why the issuance of the

temporary Manager's license is necessary. Such temporary authority shall cease after thirty (30) days or upon the approval or denial of the Manager's license application.

708. DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES

708.1 The holder of a Retailer's license who has had its license not renewed, revoked, or is going out of business may obtain approval from the Board to sell and transport alcoholic beverages back to the holder(s) of a District of Columbia Wholesaler's license.

708.2 The holder of a Retailer's license who has had its license not renewed, revoked, or is going out of business may also obtain an auction permit pursuant to § 201 or a disposal permit pursuant to § 204.

709. NOTICE OF EMPLOYEE'S CRIMINAL CONVICTION

709.1 Each licensee shall immediately notify the Board in writing if the licensee discovers that any employee who sells, gives, furnishes, or distributes any alcoholic beverage has at any time prior to or during his or her employment been arrested or convicted for other than minor traffic violations. For purposes of this section, "immediately" shall mean notifying the Board within seven (7) days of discovering the criminal conviction.

710. MINIMUM CHARGE

710.1 As used in this section, the phrase "minimum charge" means a price or fee imposed by a licensee on a patron or individual for food and/or beverages, either at the point of entrance to an establishment or at the point of service of food and/or beverages within the establishment.

710.2 The minimum charge must be equal in value to the price the patron would pay for the food and or beverage(s) inside.

710.3 A minimum charge shall not be considered a cover charge and may be charged by an establishment without Board approval or an entertainment endorsement unless restricted by Board order or voluntary agreement.

710.4 Any holder of a Retailer's license Class C or D, who makes a permitted minimum charge for either food or a beverage, shall, during the hours when the minimum charge is made, keep posted in a conspicuous place at each public entrance to the room or place where the minimum charge is made a sign stating that a minimum charge is made, the amount of the minimum charge, and whether the minimum charge shall be applied to food and/or beverage(s).

710.5 The sign required by § 710.4 shall be not less than one square foot in area with lettering not less than one inch (1 in.) in height, and the letters shall be easily legible.

711. PERMITS FOR SAMPLING OF ALCOHOLIC BEVERAGES

711.1 The holder of a Retailer's license Class A may utilize a portion of the licensed premises for the sampling of alcoholic beverages during the hours of sale authorized in D.C. Official Code

§ 25-722(a). Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.

711.2 No licensee may use any portion of the licensed premises for the sampling of alcoholic beverages without a permit issued by the Board. A request for a permit shall be in writing and shall:

- (a) State in detail the type of beverages to be offered in the sampling;
- (b) Include drawings of the premises indicating the areas where the sampling is to take place; and
- (c) State the hours and days during which the sampling is to take place.

711.3 A permit issued under this section shall be valid for two years. The permit shall expire on the same date as the applicant's Class A Retailer's license.

711.4 The annual fee for a permit issued under this section shall be one-hundred and thirty dollars (\$130). Payment shall be made at the same time that the second year fee or renewal fee for Class A Retailer's licenses is due.

711.5 The holder of a permit issued under this section shall be authorized to provide to one customer in any one day samples that do not exceed the following quantities:

- (a) Three ounces (3 oz.) of spirits;
- (b) Six ounces (6 oz.) of wines; and
- (c) Twelve ounces (12 oz.) of beer.

711.6 The holder of a tasting permit may hold public tastings during the hours it is permitted to sell and serve alcoholic beverages under its Class A Retailer's license unless restricted by Board order or cooperative/voluntary agreement.

712. PUB CRAWLS

712.1 A promoter/organizer of a "Pub Crawl" shall be required to obtain Board approval. The promoter/organizer shall submit an application to hold the "Pub Crawl" on a form provided by the Board at least six (6) weeks prior to the scheduled date of the event. For purposes of this section a "Pub Crawl" shall be defined as an organized group of establishments within walking distance which offer discounted alcoholic drinks during a specified time period.

712.2 At least six (6) weeks prior to the scheduled date of the event, the event organizer/promoter must provide the Metropolitan Police Department and the Board with a written description of the event to include but not be limited to:

- (1) the names and addresses of all the establishments which are expected

- to participate;
- (2) the geographic area where the event will take place;
- (3) the anticipated number and maximum number of participants;
- (4) the actual hours of the event;
- (5) the operational and security plan; and
- (6) the location of the designated registration area(s).

712.3 The operational and security plan shall include but not be limited to the name and number of security personnel contracted for the event; a plan for the control of underage drinking; and the method to be used for checking participant identification.

712.4 The promoter/organizer must post at any designated registration area, the ABC Board approved operations and security plan.

712.5 "Pub Crawls" may not promote excessive drinking and shall not include unlimited amounts of drinks for one price (all you can drink).

712.6 Literature describing "responsible drinking practices" must be available at all designated registration points.

712.7 All advertising/promotional materials for "Pub Crawls" must:

- (1) include a statement that "You must be 21 or older to participate";
- (2) promote the use of public transportation; and
- (3) include the plan for a designated driver program for the event.

712.8 Establishments who are required by law to serve food, must have food available for purchase during the hours of the "Pub Crawl."

712.9 No establishment with more than two primary tier offenses in a two-year period may participate in a "Pub Crawl."

712.10 The Board shall make a decision whether to approve a completed "Pub Crawl" application within three weeks of its submission. Board approval shall not be required for a "Pub Crawl" containing less than 200 participants.

713. STREET FESTIVALS

713.1 The holder of a Retailer's license Class CR or Class DR who is participating in a street festival may apply to the Board for a one-day substantial change on a form provided by the Board to serve alcoholic beverages on public space rented by the licensee if the establishment abuts the closed street.

713.2 For the purposes of this section "street festival" means any event for which a temporary street closing permit has been issued and which meets the following conditions:

- (1) The licensee to whom the street closing permit was issued is a nonprofit organization;
- (2) The street closed is zoned for primarily retail use; and
- (3) The festival uses the street closed primarily to rent to retail vendors.

713.3 Business associations or citizens associations incorporated under the laws of the District of Columbia shall be allowed to obtain approval from the Board on behalf of multiple festival permit participants.

713.4 The holder of a Class CR or Class DR Retailer's license who rents public space shall not permit patrons to take alcoholic beverages off the licensed premises or any public space rented by that establishment.

713.5 The cost of filing a one-day substantial change application shall be the same as the cost of a Temporary license.

714. OUTDOOR EVENTS ON PUBLIC SPACE

714.1 The holder of an on-premises Retailer's license may file a one-day substantial change application with the Board to receive permission to serve or sell alcoholic beverages on public space for a specific event that may involve a temporary street closing.

714.2 The one-day substantial change application to sell or serve alcoholic beverages on public space shall be on a form provided by the Board that shall include a copy of all other licenses and permits required for the event under District of Columbia law. The fee for a one-day substantial change shall be the same as the cost of a Temporary license.

714.3 Such a request shall not be granted by the Board more than three (3) times in a calendar year.

715. OUTDOOR EVENTS ON PRIVATE SPACE

715.1 The holder of an on-premises Retailer's license may file a one-day substantial change application with the Board to receive permission to serve or sell alcoholic beverages on private space other than the licensed premises.

715.2 The one-day substantial change application to sell or serve alcoholic beverages on private space other than the licensed premises shall be on a form provided by the Board that shall include a letter of permission from the owner of the private space. The fee for a one-day substantial change shall be the same as the cost of a Temporary license.

715.3 Such a request shall not be granted by the Board more than six (6) times in a calendar year.

716. ONE DAY SUBSTANTIAL CHANGES

716.1 The holder of an on-premises retailer's license may file a one-day substantial change request with the Board for permission to have entertainment, extended hours of operation, a cover charge, or dancing not permitted by the applicant's license as part of a specific event. The one-day substantial change request may be granted, in the Board's discretion, unless the activities sought by the applicant are otherwise prohibited by the applicant's ABC license.

716.2 Such a request made pursuant to § 716.1 shall not be granted by the Board more than six (6) times in a calendar year.

717. CORKING FEE

717.1 The holder of an on-premises retailer's license may permit a patron to bring to and consume on the licensed premises an alcoholic beverage that the licensee is permitted to sell or serve under its on-premises retailer's license; provided that the alcoholic beverage is opened by an employee of the establishment. However, the holder of an on-premises retailer's license shall not permit any alcoholic beverage opened on the licensed premises to be removed from the licensed premises.

717.2 The holder of an on-premises retailer's license shall be permitted to charge a corking fee not to exceed twenty five dollars (\$25).

718. REIMBURSABLE DETAIL SUBSIDY PROGRAM

718.1. This section sets forth the procedures for receiving reimbursement from ABRA under the subsidy program for monies paid to the Metropolitan Police Department ("MPD") by licensees for the hiring of MPD officers to work a reimbursable detail. A licensee, a group of licensees, or a Business Improvement District on behalf of licensees ("licensees"), may enter into an agreement with MPD to provide for reimbursable detail and are eligible for reimbursement under the subsidy program. This section shall apply only to the extent that:

- (a) The Council funds the subsidy program; and
- (b) ABRA has sufficient funds earmarked for this program remaining to reimburse MPD for costs incurred by licensees for MPD officers working reimbursable details.

718.2. ABRA will reimburse MPD up to fifty percent (50%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details. MPD shall submit to ABRA on a monthly basis invoices documenting up to the fifty percent (50%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted. Any portion of any invoice submitted by MPD and not reimbursed by ABRA shall be the responsibility of the licensee.

718.3. ABRA shall notify MPD when funds in the subsidy program fall below two hundred and fifty thousand dollars (\$250,000).

718.4. Any invoices unpaid by ABRA either for good cause or a lack of sufficient funds left in the subsidy program shall remain the responsibility of the licensee.

718.5. ABRA shall not be involved in determining the number of MPD officers needed to work a reimbursable detail.”.