

ENROLLMENT(S)



(5)

ENROLLED ORIGINAL

AN ACT

D.C. ACT 11-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 6, 1996

*Codification
District of
Columbia
Code
1997 Supp.*

To deem, on a temporary basis, that new restaurants in any residentially zoned area within the boundaries of the Georgetown Historic District that engage in carryout or delivery services that comprise more than 5% of their business operations constitute a public nuisance.

*New
Subchapter
II,
Chapter 11,
Title 5*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Preservation of Residential Neighborhoods Against Nuisances Temporary Act of 1996".

Sec. 2. (a)(1) The operation of any new restaurant or restaurant related establishment whose business consists of more than 5% delivery or carryout, which was not in operation prior to July 3, 1996, shall not be permitted in a residentially zoned area, identified in the Zoning Regulations of the District of Columbia and shown in the official atlases of the Zoning Commission for the District of Columbia, that is located within the boundaries of the Georgetown Historic District (as established by the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Code § 5-1101 *et seq.*)), and shall constitute a public nuisance.

*Note,
New Section
5-1121*

(2) For the purposes of this subsection, the term "new restaurant or restaurant related establishment" means a licensed food service establishment in which the owner of the property or the owner of the licensed food service establishment located on the property changes the type of business being conducted, or a new owner who purchases the entity and changes the type of business being conducted.

(b) The Corporation Counsel or affected members of the public may maintain an action in Superior Court of the District of Columbia to abate and enjoin perpetually the nuisance.

Sec. 3. Fiscal impact statement.

As required by section 602(c)(3) of the District of Columbia Self Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)), this bill could have a negative fiscal impact of \$1,535 on the current fiscal year budget of the District of Columbia if the District is required to refund the building permit fees

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for a permit issued to a business owner that would be affected by this bill. Offsetting this cost is the potential loss of tax revenue from the approximately 100 residents who oppose this business and others like it. These residents threaten to move out of the District of Columbia if this type of nuisance is allowed in the residential portion of the historic district.

Sec. 4. (a) 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 Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman Pro Tempore
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: August 6, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B11-811

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 7-3-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

CHAVOUS, LIGHTFOOT AND THOMAS

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

July 24, 1996
Date☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 7-17-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

CHAVOUS AND SMITH

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no AB-Absent NV-Present not voting

CERTIFICATION RECORD

Secretary to the Council

July 24, 1996
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. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
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Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date