

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the District of Columbia Official Code § 25-211(b) (2012 Repl. & 2014 Supp.) and Mayor’s Order 2001-96, dated June 28, 2001, as revised by Mayor’s Order 2001-102, dated July 23, 2001, hereby gives notice of the adoption on an emergency basis of amendments to section 712 (Pub Crawls) of chapter 7 (General Operating Requirements) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR). The amendments: (1) revise the pub crawl license requirements; (2) establish a pub crawl licensing fee; (3) give the Board more authority to manage pub crawls; and (4) strengthens the requirements for pub crawl applicants regarding their responsibilities before, during, and after pub crawl events, to include having a litter plan in place.

The Board has received numerous complaints in recent months from District residents, Advisory Neighborhood Commissions, Business Improvement Districts, and the Metropolitan Police Department (MPD) concerning pub crawls, specifically as it relates to noise, litter, crowd control, and public intoxication. As such, emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary for the immediate preservation of health, safety, and welfare of District of Columbia (District) residents. Particularly, emergency action is needed (1) to ensure that pub crawls are conducted in a responsible, safe, and orderly manner; and (2) to protect the rights and privileges of affected District residents and businesses.

Further, the Board gives notice of intent to take final rulemaking action in not less than thirty (30) days after publication of this Notice in the *D.C. Register*. In accordance with D.C. Official Code § 25-211(b), these emergency and proposed rules will be transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day period of review. The Board will not adopt the rules as final absent Council approval.

These emergency and proposed rules were adopted by the Board on January 13, 2016, by a five (5) to zero (0) vote and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on May 13, 2016, unless superseded by Notice of Final Rulemaking.

**Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**712 PUB CRAWLS**

712.1 A promoter/organizer (“Promoter/Organizer” or “Applicant”) of a “pub crawl” shall be required to obtain a pub crawl license. The Promoter/Organizer shall

submit an application for a pub crawl license that contains a Pub Crawl Event Form for each pub crawl event at least forty-five (45) days prior to the applicant's first scheduled pub crawl event.

- 712.2 A Promoter/Organizer shall obtain the Board's approval prior to hosting any pub crawl events not included in the Promoter/Organizer's pub crawl license application. The Promoter/Organizer shall submit a Pub Crawl Event Form to the Board for approval of any subsequent pub crawl event not listed on the Promoter/Organizer pub crawl license application at least forty-five (45) days in advance of the event. The Board may conduct a hearing for purposes of considering the Promoter/Organizer's subsequent Pub Crawl Event Form submission.
- 712.3 For purposes of this section a "pub crawl event" shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period.
- 712.4 The application fee for a pub crawl license shall be five hundred dollars (\$500). The pub crawl license fee shall cover all pub crawl events held by the licensee in a calendar year. A pub crawl license shall expire at the end of the calendar year in which it is issued. The requirement for a pub crawl license and application fee shall apply to applications filed after April 1, 2016.
- 712.5 No later than forty-five (45) days prior to the scheduled date of the pub crawl event, the applicant must provide the Metropolitan Police Department and the Board with a Pub Crawl Event Form which shall include, at a minimum, the following information:
- (a) The names and addresses of all licensed establishments which are expected to participate;
  - (b) The geographic area where the event will take place;
  - (c) The anticipated number and maximum number of participants;
  - (d) The actual hours of the event;
  - (e) The operational plan and security plan;
  - (f) The plan for litter prevention, control and removal;
  - (g) The location of the designated registration area(s).

- 712.6 The operational and security plan required by § 712.4(e) shall be posted at any designated registration area(s) and shall include, at a minimum:
- (a) The name and number of security personnel contracted for the event;
  - (b) A plan for controlling underage drinking; and
  - (c) The method to be used for checking participants' identification.
- 712.7 The litter plan required by § 712.4(f) shall:
- (a) Include proof of signed contracts between the Promoter/Organizer and litter removal vendors; and
  - (b) Set a timeframe, by no later than twelve (12) hours from the conclusion of the event, within which litter will be removed.
- 712.8 The Applicant shall submit proof of payment for litter removal services within seventy two (72) hours from the conclusion of the pub crawl event.
- 712.9 The litter plan shall be approved, in writing, by the District Department of Public Works (DPW) within forty-eight (48) hours of the Promoter/Organizer filing the litter plan with DPW.
- 712.10 The Applicant must remain at the pub crawl event to superintend for the duration of the event, and shall neither purchase nor consume alcoholic beverages during the event.
- 712.11 The Board shall approve the Applicant's list of participating licensed establishments for each pub crawl event. In doing so, the Board shall determine each listed licensed establishment's eligibility to participate in the pub crawl event in accordance with § 712.11 and 712.12.
- 712.12 No establishment with more than two (2) primary tier violations within two (2) years of the scheduled date of the event may participate in a pub crawl event.
- 712.13 No licensed establishment may participate in a pub crawl event if it is prohibited from participating by the terms of its Settlement Agreement or Board Order.
- 712.14 Pub crawl events may not promote excessive drinking and may not include unlimited amounts of drinks for one (1) price (*i.e.*, "all you can drink" specials).
- 712.15 Literature describing "responsible drinking practices" shall be available at all pub crawl event designated registration area(s).

- 712.16 All advertising and promotional materials for pub crawl events shall:
- (a) Include a statement that “You must be twenty-one (21) or older to participate”;
  - (b) Promote the use of public transportation; and
  - (c) Include the plan for a designated driver program for the event.
- 712.17 Establishments that are required by law to serve food shall have food available for purchase during the hours of the pub crawl event.
- 712.18 The issuance of a pub crawl license shall be solely in the Board’s discretion. The Board shall approve or deny a pub crawl application no less than fourteen (14) days prior to the date of the pub crawl event.
- 712.19 The Board may place restrictions upon the hours, participating licensed establishments, and the number, nature or size of pub crawl events held under a pub crawl license in order to protect public safety.
- 712.20 The Board may also fine, suspend, or revoke the pub crawl license if the Promoter/Organizer fails to control the environment of a pub crawl, or has sustained community complaints or police action, or has otherwise violated the provisions of this Title. Any enforcement action taken in accordance with this section shall proceed in accordance with D.C. Official Code §§ 25-441 – 25-447 and chapter 16 of this Title.
- 712.21 When reviewing an application for a pub crawl license, the Board may consider the Applicant’s conduct and management of previous pub crawl events.
- 712.22 Licensed establishments shall not participate in an unlicensed pub crawl event. It shall be the licensed establishment’s responsibility to verify whether the pub crawl event is licensed by the Board.
- 712.23 The Board may prohibit a licensed establishment that participated in an unlicensed pub crawl event or has sustained community complaints or police action from participating in future pub crawl events for up to a year from the date of the incident.
- 712.24 Licensed establishments shall post in a conspicuous place for the duration of the pub crawl event a copy of the pub crawl organizer’s license for each pub crawl event in which they participate. The pub crawl license shall list the name and date of the pub crawl event and the name of the Promoter/Organizer.

- 712.25 A licensed establishment shall not be permitted to participate in more than one (1) pub crawl event at one time.
- 712.26 A pub crawl license is not required for a pub crawl containing fewer than two hundred (200) participants.
- 712.27 The Board shall not approve a pub crawl application for March 17, May 5, July 4, October 31, or December 31.

Copies of the proposed emergency and proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov).