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Councilmember Mary M. Cheh

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Councilmember Jack Evans

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Councilmember Robert White, Jr.

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3 A BILL  
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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To amend, on an emergency basis, the District of Columbia Public Space Rental Act to authorize the use of certain public space by a legitimate theater as a sidewalk café; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal Regulations to allow a legitimate theater to operate a sidewalk café.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Legitimate Theater Sidewalk Café Authorization Emergency Amendment Act of 2019”.

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section 201b to read as follows:

“Sec. 201b. Legitimate theater sidewalk café authorization.

“(a) The Mayor shall allow the use by a legitimate theater of public space abutting the legitimate theater as a sidewalk café; provided, that the applicant:

“(1) Meets the administrative procedures for a sidewalk café as set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Code; and

“(2) Obtains the necessary licenses and license endorsements to serve alcoholic beverages in a sidewalk café or summer garden by the Alcoholic Beverage Regulation Administration, established by D.C. Official Code § 25-202.

“(b) For the purposes of this section, the term:

“(1) “Legitimate theater” shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).

“(2) “Sidewalk café” shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).”.

Sec. 3. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 300), is amended as follows:

(a) Section 301.3 is amended by striking the phrase “restaurant, grocery store, brewery, winery, or distillery” both times it appears and inserting the phrase “legitimate theater, restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop” in its place.

(b) Section 303.13(h) is amended by striking the phrase “abutting restaurant” and inserting the phrase “abutting legitimate theater, restaurant,” in its place.

(c) Section 399.1 is amended by adding a new definition to read as follows:

“Legitimate theater - a building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance.”.

Sec. 4. Fiscal impact statement.

46           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
47 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
48 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

49           Sec. 5. Effective date.

50           This act shall take effect following approval by the Mayor (or in the event of veto by the  
51 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
52 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
53 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
54 D.C. Official Code § 1-204.12(a)).