

METROPOLITAN POLICE DEPARTMENT**NOTICE OF PROPOSED RULEMAKING**

The Chief of Police, pursuant to section 114 of the First Amendment Assemblies Act of 2004 (Act), effective April 13, 2005 (D.C. Law 15-352, D.C. Official Code § 5-331.14 (2007 Supp.)), hereby gives notice of the adoption of the following rules governing the issuance of police passes for media personnel. Comments were received after publication of proposed rules in 53 DCR 1568 (March 3, 2006). The proposed rules were republished in 54 DCR 2543 (March 23, 2007). Comments were again received and where appropriate were accepted resulting in some modification of the proposed rules. The Chief of Police also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the publishing of this notice in the D.C. Register.

Title 24 DCMR, Chapter 21 (Police Press Passes) is amended as follows:

2102 POLICE PRESS PASSES

2102.1 The Metropolitan Police Department shall issue all press passes or credentials without regard to the content of the news coverage. Press passes shall be issued as expeditiously as possible.

2103 APPLICATION PROCEDURES

2103.1 The Chief of the Metropolitan Police Department is authorized to issue press passes to bona fide media representatives of print, electronic or online, university or college, television, radio, and newsreel media who gather information or pictures for distribution or broadcast to the public as news. Media representatives include self-employed or freelance writers / journalists who regularly gather news.

2103.2 Press passes shall be issued in a form approved by the Chief of Police or his or her designee and shall be valid for two years. Holders of expired press passes shall surrender them upon issuance of new passes. The Chief of Police or his or her designee may withhold the issuance of a press pass to any person convicted of a felony, a crime of violence as defined in D.C. Official Code § 23-1331 (4), or a crime of moral turpitude, if such withholding is based on a reasonable belief the person would be disruptive or will use the press pass for an unlawful purpose. The Chief of Police or his or her designee shall inform the applicant in writing of the basis for any denial of a press pass. An applicant may appeal the denial of the issuance of a press pass to the Chief of Police.

2103.3 An application for a police press pass shall include a statement that the holder of a press pass:

- (a) assumes all risks incident to the use of the pass;
- (b) will obey all lawful orders and directions of any member of the Metropolitan Police Department; and
- (c) will comport himself or herself in a manner that does not interfere with, hinder, or obstruct any authorized person engaged in preserving the peace, maintaining order, and protecting life and property.

Nothing in this section shall constitute a waiver or release of any claim the holder of a press pass may have for harm or injury intentionally or negligently caused to such person. Any conflicts or disagreements with such orders or directions shall be resolved through consultation with the Metropolitan Police Department's Director of the Office of Public Information or his or her designee.

2103.4 A person displaying a valid press pass shall not be arrested or taken into custody at the scene of a First Amendment assembly or other news event in the absence of probable cause for the arrest. A person displaying a valid press pass shall not be arrested merely because he or she is in an area where other people have committed criminal acts or are being arrested.

2103.5 A press pass issued pursuant to this section automatically expires upon the holder's termination of employment or occupation as a media representative. Upon such expiration, the holder shall immediately surrender the pass to the Metropolitan Police Department Office of Public Information or to his or her employer, who shall forward the press pass to the Office of Public Information.

2103.6 Press passes shall not be transferable.

2103.7 Pursuant to this section, the Chief of Police, upon a showing of good cause, shall have the authority to limit the total number of press passes issued to media representatives and organizations for an event.

2104 GENERAL PROVISIONS

2104.1 A media representative displaying a press pass is authorized to enter designated areas, set aside by members of the Metropolitan Police Department, for the purpose of gathering, photographing or reporting news events. The holder of a press pass is not required to remain in any such designated area and may not be restricted from any area open to the general public or any area open to participants in a First Amendment assembly.

2104.2 The holder of a press pass is authorized to cross a police or fire line, unless, in the judgment of a Metropolitan Police Department officer or official, to do so would interfere with the management of a police or fire scene or would endanger the public safety.

- 2104.3 Possession of a press pass does not authorize the holder to enter a private building or private property that may be located within a police or fire line.
- 2104.4 MPD officers shall allow media representatives reasonable access to all areas where a First Amendment assembly is occurring. At a minimum, officers shall allow media representatives no less access than that enjoyed by members of the general public. Unless inconsistent with public safety considerations, officers shall allow media representatives access to areas closed to the general public in order to assist their ability to report on such an event. Officers shall also make reasonable accommodations to allow media representatives effectively to use photographic, video, or other equipment relating to their reporting of a First Amendment assembly.
- 2104.5 The Chief of Police or his or her designee shall accept or honor a press pass issued to a media representative by a local, state or federal governmental body within or outside the District of Columbia. The holder of such a press pass shall enjoy the same rights and privileges as if the pass were issued directly by the Chief of Police.
- 2104.6 It is the policy of the Metropolitan Police Department that media representatives shall have maximum access to First Amendment assemblies, fires, crime scenes, weather-related events, accidents and other news events, consistent with maintaining public safety and the management of a police or fire scene.
- 2104.7 The commanding officer at the scene of a First Amendment assembly or other news event, in consultation with the Director of the Office of Public Information, shall ensure that the policy set forth in subsection 2104.6 and the applicable provisions of these regulations are carried out.
- 2104.8 Press passes and credentials shall be plainly exposed to view whenever the persons to whom they are issued are using them.
- 2104.9 The Chief of Police shall appoint an advisory committee composed of representatives of the media, universities and colleges, which may make recommendations concerning the implementation of these rules.

Comments on these proposed rules should be submitted in writing to Terrence D. Ryan, General Counsel, Metropolitan Police Department, Room 4125, 300 Indiana Avenue, N.W., Washington, D.C. 20001, within thirty (30) days of the date of the publication of this notice in the D.C. Register. Additional copies of these proposed rules are available from the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 07-28

(Text Amendment – 11 DCMR)

Text Amendments to amend §§ 701.4(q), 701.4(aa), and 721.3(s)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 701.4(q), 701.4(aa), and 721.3(s) of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments would permit as matter of right uses within the C-1 portion of Square 5912, prepared food shops with more than 18 seats and fast food establishments with no drive-throughs. The text amendments would also exempt within the C-2-B portion of Square 5912, fast food restaurant with no drive-throughs from the requirements of §§ 721.3(s)(1)-(3).

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed (new text is shown **bolded** and underlined):

(1) Section 701.4(q) is amended to read as follows:

(q) Restaurant, but not including a fast food establishment, or a food delivery service. **A fast food establishment with no drive-through shall be permitted in Square 5912 as a matter of right.**

(2) Section 701.4(aa) is amended to read as follows:

(aa) Prepared food shop, with no more than 18 seats for patrons and no drive-through **except that no limitation on seats shall apply to a prepared food shop in Square 5912.**

(3) Section 721, Uses as a Matter of Right (C-2), § 721.3(s) is amended to read as follows:

(s) Fast food establishment or food delivery service, only in a C-2-B or C-2-C District; provided:

(1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;

(2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 07-28

PAGE 2

- (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and
- (4) The use shall not include a drive-through.

Subparagraphs (1), (2), and (3) shall not apply to a fast food establishment located in Square 5912.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.