

COUNCIL OF THE DISTRICT OF COLUMBIA

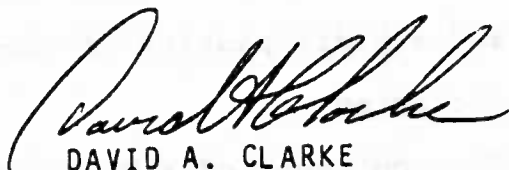
NOTICE

D.C. LAW 5-139

"Smoke Detector Act of 1978 Amendment Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-418 on first and second readings, September 12, 1984 and October 9, 1984, respectively. Following the signature of the Mayor on October 25, 1984, this legislation was assigned Act No. 5-197, published in the November 16, 1984 edition of the D.C. Register, (Vol. 31 page 5751) and transmitted to Congress January 7, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-139, effective March 13, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	7,22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12

D.C. LAW 5 - 139

AN ACT

EFFECTIVE DATE MAR 13 1985

D.C. ACT 5-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 25 1984

To amend the Smoke Detector Act of 1978, Commissioners' Order No. 64-1397A, and Commissioners' Order 55-1502 by adding a civil penalties section and by increasing the penalties for fire code and housing code violations; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Smoke Detector Act of 1978 Amendment Act of 1984".

Sec. 2. The Smoke Detector Act of 1978, effective June 20, 1978 (D.C. Law 2-81; D.C. Code, sec. 5-529 et seq.), is amended by adding the following sections:

"CIVIL PENALTIES

"Sec 9a. (a)(1) An owner of a single-family residence who fails to comply with the provisions of this act shall be assessed a civil penalty of one hundred (100) dollars for each violation.

"(2) An owner of a building containing two (2), three (3) or four (4) dwelling or rooming units who fails to comply with the provisions of this act shall be assessed a civil fine of two hundred (200) dollars for each violation.

"(3) An owner of a building containing five (5) or more dwelling units or any hotel, motel, hospital, nursing home

New D.C. Code sec. 5-529 (1985)

or residential custodial care facility units who fails to comply with the provisions of this act shall be assessed a civil penalty of three hundred (300) dollars for each violation.

"(b) For the purpose of this section, each day a dwelling unit, hotel, motel, hospital, nursing home or residential custodial care facility fails to comply with this act shall constitute a separate violation.

"(c)(1) The penalties provided for in this section shall be considered civil penalties and, within six (6) months of the effective date of the the Smoke Detector Act of 1978 Amendment Act of of 1984, the Mayor shall establish procedures, including hearing procedures, for the adjudication of violations under this section.

"(2) After a 45-day period of Council review, the Mayor shall issue the procedures described in section 9a(c)(1) pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), provided that the Council of the District of Columbia does not disapprove the rules within 45 days of their submission to the Council, excluding Saturdays, Sundays, holidays, and days during which the Council is in recess.

(d) To enforce the Smoke Detector Act of 1978, the Mayor may seek either the civil penalties in this section or the criminal penalties in section 2104 of The Housing Code of the District of Columbia or section 1.4(e) of title 7 of the District of Columbia Regulations, Fire Prevention Code,

but the Mayor shall not seek both the civil penalties and the criminal penalties to enforce a related series of violations.

"TENANT'S RIGHT TO INSTALL SMOKE DETECTORS

"Sec. 9b. (a) A tenant of a dwelling unit that is not in compliance with this act may purchase, install and maintain a smoke detector, or arrange for proper installation and maintenance of a smoke detector, and may deduct the reasonable costs from the rent for the dwelling unit. No tenant shall be charged, evicted or penalized in any fashion for failure to pay the reasonable cost deducted from the rent for the dwelling unit.

"(b) In units required to have a smoke detector directly wired to the power supply of the building, and where the landlord fails to install and maintain the smoke detector, the tenant may purchase, install and maintain battery-operated units at the owner's expense.

"(c) No act or omission by a tenant under this section shall relieve the owner of responsibility to ensure full and continuing compliance with this act, nor shall an act or an omission relieve the owner of liability for failure to comply with this act.

"(d) Nothing in this section shall be construed to impose a penalty or other liability on a tenant for failure to install or maintain a smoke detector, nor shall this section be construed to mean that a tenant who fails to install or maintain a smoke detector is contributorily negligent."

New
D.C.
sec. 5
(1985

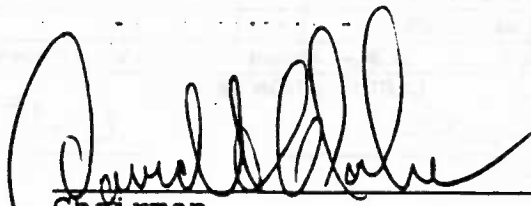
Sec. 3. Section 1.4(e) of title 7 of the District of Columbia Regulations, Fire Prevention Code, ordered September 29, 1964 (C.O. 64-1397A; 25 DCMR 102.6), is amended by striking the words "ten days" and inserting the words "ninety days" in their place.

D.C.M.R.

Sec. 4. Section 2104 of The Housing Code of the District of Columbia, ordered August 11, 1955 (C.O. 55-1502; 14 DCMR 102.1), is amended by striking "ten (10) days" and inserting "ninety (90) days" in its place.

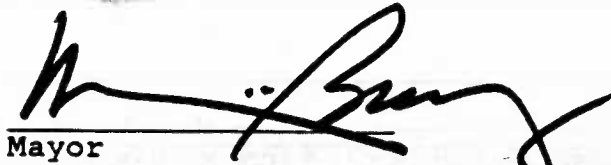
D.C.M.R.

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District to override the veto) 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, sec. 1-233(c)(1)).



Chairman

Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 25, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five - Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-418

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-12-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

Oct 11, 1984
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-9-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

Oct 11, 1984
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
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KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date