

COUNCIL OF THE DISTRICT OF COLUMBIA

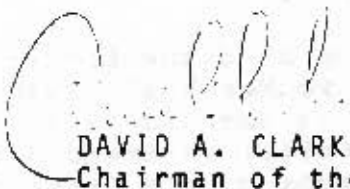
NOTICE

D.C. LAW 7-38

"Litter Control Expansion Amendment
Act of 1987".

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. 7-169 on first and second readings, June 30, 1987, and July 14, 1987, respectively. Following the signature of the Mayor on July 23, 1987, this legislation was assigned Act 7-66, published in the August 14, 1987, edition of the D.C. Register, (Vol. 34 page 5326) and transmitted to Congress on July 29, 1987 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 7-38, effective October 9, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 29,30,31
August 3,4,5,6,7
September 9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
October 1,2,5,6,7,8

AN ACT

D.C. ACT 7-66

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 23 1987

To amend the Litter Control Administration Act of 1985 to decriminalize additional provisions and to redefine certain provisions in the District of Columbia Health Regulations, the Solid Waste Collection: Containers to be Used, and title 24 of the District of Columbia Municipal Regulations and to amend An Act Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high temperature incinerators for the destruction of combustible refuse, and for other purposes to give the Mayor the authority to select suitable sites for the disposal of refuse.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Litter Control Expansion Amendment Act of 1987".

Sec. 2. Section 3 of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2902), is amended as follows:

D.C. Code, sec. 6-2902 (1988 supp.)

(a) Section 3(a)(1) is amended to read as follows:

"(a)(1) The Mayor of the District of Columbia ("Mayor"), through the Department of Public Works, shall enforce sections 601, 603, 604, 605, 606(a), (c), and (h), 607(a), (b), (c), (d), (e), (f), (g), (h), and (j), 608(a), 609(a), and 612 of chapter 3 in title 8 of the District of Columbia Health Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 et seq.), sections 3, 4, 5, 6, and 7 of Solid Waste Collection: Containers to be Used, effective February 21, 1973 (19 DCR 497; 21 DCMR 708), and a number of rules recorded in sections 101, 102, 103, 104, 108, 900.7, 900.8, 900.10, 1000, 1001, 1002, 1005, 1008, 1009, 2000, 2001, 2002, and 2010 of 24 DCMR. The Department of Public Works shall hear contested cases arising from violations of the regulations listed in this section in accordance with the adjudicative system provided in sections 5, 6, and 9."

(b) Section 3(d) is amended to read as follows:

"(d) The first sentence of section 612 in chapter 3 of title 8 in the District of Columbia Health Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.6), is amended to read as follows:

"Any person who fails to comply with sections 601, 603, 604, 605, 606(a), (c), and (h), 607(a), (b), (c), (d), (e), (f), (g), (h), and (j), 608(a), 609(a), and 612 of this Part shall be subject to civil sanctions provided in the Litter Control Administration Act of 1985. Any person who fails to comply with any other section of this Part shall upon conviction, be punished by a fine not to exceed \$300 or imprisonment not to exceed 10 days, or both."

(c) Section 3(e) is amended by adding a new paragraph (3) to read as follows:

"(3) Section 100.6 is amended to read as follows:

"Any person violating any provision of sections 101, 102, 103, 104, 108, 1000, 1001, 1002, 1005, 1008, 1009, 2000, 2001, and 2002 of this title shall be subject to civil sanctions provided in the Litter Control Administration Act of 1985. Any person violating any other provision of this title for which a specific penalty is not provided shall, upon conviction, be punished by a fine of not more than \$300."

Sec. 3. Chapter 3 in title 8 of the District of Columbia Health Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 et seq.), is amended as follows:

D.C.M.R.

(a) Section 602 (21 DCMR 799.1) is amended as follows:

(1) By adding the following sentence at the end of the definition of "Waste":

"For purposes of these regulations, the term "waste" includes, but is not limited to, notices, handbills, leaflets, flyers, and any other advertising or informational material."

(2) By inserting in alphabetical sequence the following definition:

"Household Hazardous Wastes means small quantities of hazardous wastes generated from homes and similar sources that are exempt from federal regulations, but exhibit dangerous characteristics such as ignitability, corrosivity, reactivity, or toxicity."

(b) Section 603(i) (21 DCMR 705.5) is amended to read as follows:

"(i) Residents of properties where solid wastes are collected by the District, excluding bulky wastes handled by special collection, shall: (1) Place the solid waste in legal containers, in a manner so as to prevent litter, at the point of collection no earlier than 6:30 p.m. on the day prior to the collection day; and (2) return to private

property by 8:00 p.m. of the collection day all empty solid waste containers, including Supercans."

(c) Section 603(j) (21 DCMR 705.6) is amended by deleting the phrase "Hazardous liquid" and inserting in its place the phrase "Household hazardous wastes".

(d) Section 603(k) (21 DCMR 702.1 & 702.2) is amended to read as follows:

"(k)(1) Except as provided in paragraph (2) of this subsection, each owner, tenant, or lessee (or the agent of that person) who has control of or occupies any building, lot, or land within the District shall maintain in clean condition the public space from the property line of that building, lot, or land and extending 18 inches from the curb line (or the lateral lines of the roadway) into the abutting roadway.

"(2) Each owner, tenant, or lessee (or the agent of that person) who has control of or occupies any building that contains 3 or fewer dwelling units within the District shall maintain in clean condition the public space between the curb line (or lateral lines of the roadway) and the property line of that building."

(e) Section 603 (21 DCMR 702.1 et seq.) is amended by adding a new subsection (1) to read as follows:

"(1) Construction and demolition wastes and material shall not be collected by District collection services."

(f) The first sentence of section 605(b) (21 DCMR 706.1) is amended to read as follows:

"Persons occupying premises where solid waste collection service is provided by the District shall set out bulky wastes for collection in accordance with the schedule published by the Mayor, and place the bulky wastes at the point of collection no later than 7:00 a.m. on the Monday of the scheduled bulk collection week and no earlier than 6:30 p.m. on the Friday prior to the scheduled bulk collection week."

Sec. 4. Section 6 of Solid Waste Collection: Containers to be Used, effective February 21, 1973 (19 DCR 497; 21 DCMR 708.2), is amended to read as follows:

D.C.M.R.

"6. Designation of Collection Points:

"The Public Space Maintenance Administration of the Department of Public Works shall properly inform residents of the District whether their authorized point of collection is in the front of or the rear of their properties. If collection is from an alley, the point of collection shall be on private property immediately adjacent to public space, except that when Supercans are collected from the alley, the point of collection shall be on public space immediately adjacent to the private property line. If collection is not

from an alley, the point of collection shall be on public space immediately adjacent to the premises."

Sec. 5. Title 24 of the District of Columbia Municipal Regulations is amended as follows: D.C.M.R.

(a) Section 101 is amended by adding a new subsection 101.6 to read as follows:

"101.6 Any permit issued by the Mayor under the provisions of this title must be displayed at all times at the address of work indicated on the permit."

(b) Section 102 is amended by adding a new subsection 102.8 to read as follows:

"102.8 Public parking means that area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District."

Sec. 6. Section 1 of An Act Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, approved March 4, 1929 (45 Stat. 1549; D.C. Code, sec. 6-505), is amended as follows:

D.C. Code,
sec. 6-505
(1988 supp.)

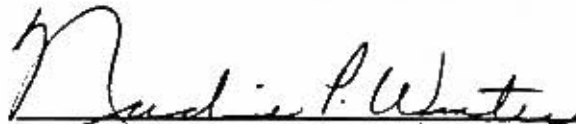
(a) By redesignating the existing language as subsection (a); and

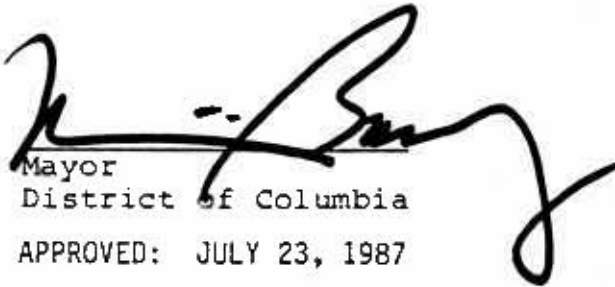
(b) By adding a new subsection (b) to read as follows:

"(b) Nothing shall prevent the Mayor from designating, selecting, or acquiring another site or sites that may be suitable for the purpose of refuse disposal. Any proposed site selected by the Mayor after the effective date of the Litter Control Expansion Amendment Act of 1987, shall be submitted to the Council of the District of Columbia ("Council") for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed site, in whole or in part, by resolution within this 45-day review period, the proposed site shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.)".

Sec. 7. 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 of Columbia 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, by the Chairman Pro Tempore
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: JULY 23, 1987



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B7-169

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-30-87

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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Russell A. Smith
 Secretary to the Council

15 July 1987
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-14-87

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Kane, Smith and Clarke

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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Russell A. Smith
 Secretary to the Council

15 July 1987
 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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date