

ENROLLMENT(S)

5



COUNCIL OF THE DISTRICT OF COLUMBIA

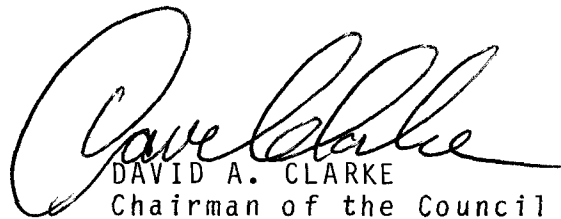
NOTICE

D.C. LAW 8-31

"District of Columbia Solid Waste Regulations
Amendment Act of 1989".

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. 8-135 on first and second readings, May 30, 1989, and June 13, 1989, respectively. Following the signature of the Mayor on June 27, 1989, this legislation was assigned Act No. 8-54, published in the July 7, 1989, edition of the D.C. Register, (Vol. 36 page 4750) and transmitted to Congress on June 30, 1989 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 8-31, effective September 20, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31

August 1,2,3,4

September 6,7,8,11,12,13,14,15,18,19

SEP 20 1989

Codification,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT. 8 - 54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 27 1989

To amend and make certain technical changes to the Litter Control Administration Act of 1985, the Solid Waste Regulations, and Title 24 of the District of Columbia Code of Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Solid Waste Regulations Amendment Act of 1989".

Sec. 2. The Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2901 et seq.), is amended as follows:

(a) Section 4(c)(1) (D.C. Code, sec. 6-2903(c)(1)) is amended by striking the phrase "the Mayor shall serve a notice of violation to the person alleged to have created the nuisance" and inserting the phrase "the Mayor shall issue a notice of violation to the person alleged to have created the nuisance or to the property owner" in its place;

Section
6-2903

(b) Section 4(c)(2) (D.C. Code, sec. 6-2903(c)(2)) is amended to read as follows:

"(c)(2) The notice of violation may be served on the owner, the owner's authorized agent, the building superintendent, the operator of equipment, or any other responsible individual at the premises or the Mayor may deliver the notice by certified mail to the owner of the premises or to the person responsible for the nuisance or the Mayor may post the notice in a conspicuous place on the premises in violation. If the owner cannot be identified with reasonable certainty, the Mayor may conspicuously post the notice on the premises alleged to be in violation and deliver a copy of the notice to the Director of the Department of Finance and Revenue pursuant to paragraph (3) of this subsection."

(c) Section 4(c) (D.C. Code, sec. 6-2903(c)) is amended by adding a new paragraph (3) to read as follows:

"(3) The Director of the Department of Finance and Revenue is authorized to receive notices of violation of this act on behalf of any resident or non-resident person who owns property in the District, if the person, has not provided to the Director of the Department of Finance and Revenue a mailing address. The Director of the Department of Public Works shall post a copy of the notice served on the Director of the Department of Finance and Revenue in a conspicuous place on the property."

(d) Section 4(d) (D.C. Code, sec. 6-2903 (d)) is amended to read as follows:

"(d) The Mayor shall prepare the notice of violation and include in it the following:

"(1) The location, date, and time that the nuisance took place or that the Mayor investigated the nuisance;

"(2) The law or regulation violated;

"(3) The amount of the fine assessed;

"(4) The action necessary to abate the nuisance;

"(5) The person's right to request a hearing on the alleged nuisance and the procedure for making the request;

"(6) The manner, location, and time for paying the fine or arranging a hearing;

"(7) A statement that failure to answer the notice of violation within 14 calendar days after the notice has been issued may result in additional penalties; and

"(8) Reinspection information, which includes the date and time of the reinspection and the condition that the property should be in at the time of reinspection."

(e) Section 5 (D.C. Code, sec. 6-2904) is amended as follows:

(1) By amending subsection (e) by striking the number "15" and inserting the number "14" in its place; and

(2) By amending subsection (f) by striking the number "15" and inserting the number "14" in its place.

(f) Section 8 (D.C. Code, sec. 6-2907) is amended as follows:

(1) By amending subsection (f)(1) by adding a new sentence at the end to read as follows:

"Each lien placed pursuant to this act shall be filed at the Office of the Recorder of Deeds.";

(2) By amending subsection (f)(3) to read as follows:

"(f)(3) If any civil fine, penalty, or cost is unpaid 6 months after the date of the final notice of the charges, the subject property may be sold for the unpaid civil fine, penalty, cost, and interest due the District government at the next tax sale in the same manner and under the same conditions as property sold for delinquent general taxes.";

Section
6-2904

Section
6-2907

- (3) By adding a new subsection (f)(5) to read as follows:
- "(f)(5) For the purposes of any property sold pursuant to paragraph (3) of this subsection, the redemption period specified in sections 3, 4, and 5 of An Act In relation to taxes and tax sales in the District of Columbia approved February 28, 1898 (30 Stat. 250; D.C. Code, secs. 47-1304, 47-1306, 47-1307), section 1 of An Act To provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, approved March 2, 1936 (49 Stat. 1153; D.C. Code, sec. 47-1312), and section 437 of the District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1059; D.C. Code, sec. 47-847), shall be 6 months.";
- (4) By adding a new subsection (g) to read as follows:
- "(g) The Mayor may require the owner of vacant property in the District to fence or otherwise enclose the property to prevent the recurrence of a violation of any part of this act; and
- (5) By adding a new subsection (h) to read as follows:
- "(h)(1) The Mayor may require the payment of an interest charge to be assessed against the total fine, penalty, and charge for abatement services performed by the Mayor that have not been satisfied, in full, within 30 days of the date that final notice, which requests payment, is mailed to the property owner. The rate of interest authorized by this section shall not exceed 1 1/2% per month or part of a month that accrues 30 days from the date of the final notice.
- "(h)(2) If a private agency collects any outstanding fines, penalties, charges, and interest due the District government, the Mayor may require an additional payment to cover the cost of collecting the outstanding fine, penalty, charge, and interest."
- Sec. 3. The Solid Waste Regulations, issued June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 et seq.), are amended as follows:
- (a) Section 8-3:602 (21 DCMR 799.1) is amended by inserting in alphabetical sequence the following definitions:
- "(1) Clean condition - free of litter, debris, and weeds.
- "(2) Weeds - uncultivated or wild vegetation that is greater than 4 inches in height.
- (b) Section 8-3:603 (21 DCMR 707) is amended by adding a new paragraph (1) to read as follows:

D.C.M.R.

"(1) At no time shall lightweight plastic bags that are designed to be used exclusively as liners be used solely for the storage of solid waste."

Sec. 4. Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 100 is amended by adding a new subsection 100.7 to read as follows:

"100.7 The Mayor may deny the issuance or renewal of a public space permit to any applicant who has not abated, in full, a nuisance for which a notice of violation was issued for a violation of the regulations under the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100, D.C. Code, sec. 6-2901 et seq.)."

(b) Section 102.7 is amended to read as follows:

"102.7 No person shall deposit or cause to be deposited any dirt, grass, leaves, or other yard refuse on any public sidewalk, tree space, roadway, or alley, from any public parking under the immediate care and keeping of the owner or occupant of the premises that abut the sidewalk, tree space, roadway, or alley."

(c) Sections 102.5, 104.7, 105.6, 107.6, 107.7, 110.4, 110.13, 200.2 and 217.3 are amended by striking the word "Transportation" wherever it appears and inserting the phrase "Public Works" in its place.

(d) Sections 299.1 and 399.1 are amended by striking the word "Transportation" wherever it appears and inserting the phrase "Public Works" in its place.

(e) Section 1002.1 is amended to read as follows:
"1002.1. No person shall throw, deposit, or cause to be thrown or deposited on any vacant lot or open space in the District sawdust, shavings, vegetable matter, weeds, paper, rubbish, litter, garbage, offal, dead animal or putrescible matter of any sort, an abandoned vehicle, any other solid waste refuse as defined in 21 DCMR 799.1, or any other thing that is injurious to public health. Nor shall a deposit be permitted to remain on a vacant lot or open space."

(f) Section 1002.2 is amended by striking the phrase "Environmental Services" and inserting the phrase "Public Works" in its place.

(g) Sections 1009.1 and 1009.2 are amended to read as follows:

"1009.1. Public wastepaper boxes shall not be used for the disposal of refuse incidental to the conduct of a household, store, or other place of business or domicile, but shall be reserved for small quantities of waste or refuse by persons who pass by."

"1009.2. No person shall damage or set fire to a public wastepaper box or its contents or affix a sign, advertisement, or poster to a public wastepaper box and, except for authorized District employees, no person shall open or move a wastepaper box or remove its contents."

Sec. 5. Conforming amendments.

(a) Section 3 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code, sec. 47-1304), is amended by adding a new subsection (c) to read as follows:

Section
47-1304
Note,
sec. 6-2907

"(c) The time period for redemption of properties brought to tax sale under section 8(f) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2907(f)) shall be 6 months."

(b) Section 4 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code, sec. 47-1306), is amended by adding a new subsection (c) to read as follows:

Section
47-1306
Note,
sec. 6-2907

"(c) The time period for redemption of properties brought to tax sale under section 8(f) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2907(f)), shall be 6 months."

(c) Section 5 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 252; D.C. Code, sec. 47-1307), is amended by adding a new subsection (c) to read as follows:

"(c) The time period for redemption of properties brought to tax sale under section 8(f) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2907(f)), shall be 6 months."

(d) Section 1 of An Act To provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, approved March 2, 1936 (49 Stat. 1153; D.C. Code, sec. 47-1312), is amended by adding a new subsection (c) to read as follows:

Section
47-1312

"(c) The time period for redemption of properties brought to tax sale under section 8(f) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2907(f)), shall be 6 months."

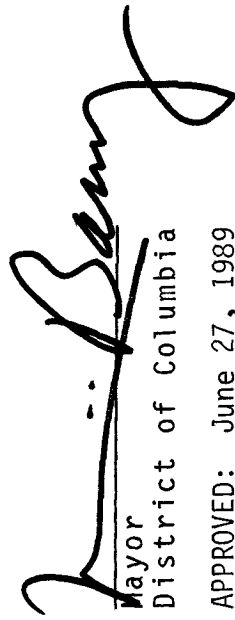
(e) Section 437 of the District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1059; D.C. Code, sec. 47-847), is amended by adding a new subsection (c) to read as follows:

Section
47-847

"(c) The time period for redemption of properties brought to tax sale under section 8(f) of the Litter Control Administration Act of 1985, effective March 25, 1896 (D.C. Law 6-100; D.C. Code, sec. 6-2907(f)), shall be 6 months."

Sec. 6. 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)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: June 27, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-135

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-30-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

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

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

CERTIFICATION RECORD

Russell
 Secretary to the Council

6-21-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-13-89

VOICE VOTE: Approved

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

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

CERTIFICATION RECORD

Russell
 Secretary to the Council

6-21-89
 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					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date