

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

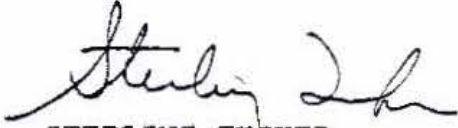
March 31, 1977

D.C LAW 1-98

"Water and Sewer Repair and Compensation Act of 1976"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 1-319 on first and second readings October 12, 1976, and November 22, 1976, respectively. Following the signature of the Mayor on December 30, 1976, this legislation was assigned Act No. 1-187, published in the January 21, 1977, edition of the D.C. Register, and transmitted to both Houses of Congress 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 the following legislation as D. C. Law 1-98, effective March 29, 1977.


STERLING TUCKER
Chairman of the Council

D. C. LAW

1-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 29, 1977

To provide that the District of Columbia shall be responsible for the repair and maintenance of water service pipes and building sewers connecting lots with water mains and the public sewer and shall compensate property owners for such prior repairs under certain circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water and Sewer Repair and Compensation Act of 1976", the purpose of which is to provide that the District of Columbia shall be responsible for the repair and maintenance of water service pipes and building sewers connecting lots with water mains and the public sewer and shall compensate property owners for such prior repairs under certain circumstances.

Sec. 2. The Act entitled "An Act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896, (D.C. Code, secs. 6-401, et. seq.) is amended by adding the following new section:

"5(a) For the purpose of this section certain words and terms are defined as follows:

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the Surveyor of the District of Columbia.

"Property" means real property.

"Property line" means the line beyond which a private property owner has no legal or vested property rights in any fronting or abutting public space or street; the line of demarcation between privately owned property and any public space or street as may be shown on the records of the Surveyor of the District of Columbia.

"Public Space" means all the publicly owned property between lines on a street, as such property lines are shown on the records of the Surveyor of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the Surveyor of the District of Columbia whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"(b) The Mayor of the District of Columbia is authorized to repair and maintain and, where necessary, to renew all water service pipes and building sewers from the water main or the public sewer to the property line of each lot in the District of Columbia required to be so connected by the first section of this Act at the costs of such owner or owners and to perform all such repairs, as are necessary, to maintain or improve any roadway, alley, minor street, highway or other public space above such repaired or renewed water service pipes or building sewers. The Mayor, where he deems such action necessary, may also perform maintenance or repair work on private property, in which case, the cost, including overhead expense, shall be paid by the property owner. The cost of any repair or maintenance work on water service pipes or building sewers beyond the property line away from the house or structure, made necessary by the negligence or through the action of a property owner or tenant as reasonably determined by the Mayor, shall be charged to the property owner.

"(c) The Mayor is further authorized and directed to compensate property owners for any and all expenses incurred at the direction of the District of Columbia for the direct repair of water service pipes or building sewers within the past three (3) years from the enactment of this section,

provided that such repairs at the time of their performances have met the requirements of subsection (b) of this section. Compensation shall be in the form of payment or the removal of a lien or assessment against such property by the District of Columbia only to owners who establish under the requirements of subsection (e) of this section proof of actual payment of repairs under a permit issued by the District of Columbia. All rights to compensation under the terms of this subsection shall terminate two (2) years from the enactment of this section.

"(d) All prior year compensation payments authorized by subsection (c) of this section and all work required to be done in the repair, maintenance or renewal of water service pipes and building sewers as authorized under subsection (b) of this section including surface repair work not within the right-of-way of streets or alleys shall be paid for from water and sewer rate revenue appropriated to the District of Columbia, except that all surface repair work to be done upon public space within the roadway, tree space or actual sidewalk right-of-way of any street shall be paid for out of highway revenues appropriated to the District of Columbia.

"(e) Before compensation is granted, the Mayor shall determine whether the repair, made under a permit issued by the District of Columbia, would have been authorized under

subsection (b) of this section, noting such other pertinent findings of fact as he deems necessary. If the Mayor determines that the repair work would have been eligible under subsection (b) of this section had it been in effect at the time of the repair, he shall compensate any person, who was the property owner at the time the repairs were made, for the cost of such repairs, provided such owner can establish proof of payment for the cost of the repairs to the reasonable satisfaction of the Mayor up to the full value thereof for each separate occurrence.

"(f) Any person who by means of false statement, or impersonation, or by other fraudulent device obtains or attempts to obtain or any person who knowingly aids or abets such person in obtaining or attempting to obtain (1) any award or payment of compensation under the provisions of this section to which he is not entitled, (2) a larger amount or greater relief in compensation than that to which he is entitled, shall be guilty of a misdemeanor and, shall be sentenced to pay a fine of not more than \$500.00 or imprisoned not to exceed one year, or both. Prosecutions under the provisions of this subsection shall be in the name of the District of Columbia by the Office of the Corporation Counsel.

"(g) The Mayor is further authorized to prescribe rules and regulations governing the maintenance and repair of such water service pipes and building sewers by the District of Columbia and the compensation of property owners by the District of Columbia for eligible prior year repairs of water service pipes, building sewers and the roadway above such water service pipes and sewers.

"(h) If any section, subsection, or provision of this act is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining sections, subsections, or provisions of this act."

Sec. 3. To the extent that the provisions of this act are inconsistent with the provisions of any other Act or regulation the provisions of this act shall be deemed to supersede the provisions of such laws.

Sec. 4. This act shall take effect at the end of the 30 day period provided for Congressional review of acts of the Council in section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Considered in Council October 12, 1976

First Vote October 12, 1976

RECORD OF COUNCIL VOTE														
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON				X	SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY				X	HOBSON				X	WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert A. Williams
(Secretary of the Council)

Final Vote in Council November 22, 1976

RECORD OF COUNCIL VOTE														
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.				X					
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert A. Williams
(Secretary of the Council)

Presented to the Mayor DEC 16 1976

Robert A. Williams
(Secretary of the Council)

Mayor's Action:

Approved: 130 DEC 1976
Disapproved: _____

Robert A. Williams
(Mayor's Signature) DEC 1976

Enacted without Mayor's Signature _____

(Secretary of the Council)