

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-24

"District of Columbia Abandoned and Junk
Vehicle Removal 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. 8-10 on first and second readings, May 16, 1989, and May 30, 1989, respectively. Following the signature of the Mayor on June 14, 1989, this legislation was assigned Act No. 8-46, published in the June 30, 1989, edition of the D.C. Register, (Vol. 36 page 4575) and transmitted to Congress on June 21, 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 8-24, effective September 9, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|-----------|-------------------------------------------------|
| June | 21,22,23,26,27,28,29 |
| 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 |

SEP 09 1989

Codification,
New Chapter 8A
of Title 40

AN ACT

D.C. ACT 8 - 46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 14 1989

To amend An Act To prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of the property to require the establishment of an Abandoned and Junk Vehicle Division of the Department of Public Works to be responsible for the removal of any abandoned or junk vehicle parked in the District of Columbia for more than 72 hours from any public or private property, including any public highway.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Abandoned vehicle" means any vehicle:

(A) That is parked in the same place on public or private property, including any public highway, for more than 72 consecutive hours without the consent of the owner or person in control of the property;

(B) Whose owner reasonably cannot be located;

(C) To which, on the basis of the vehicle being parked as provided in subparagraph (A) of this paragraph, the District government has affixed a warning notice that informs the owner that, unless the vehicle is removed from the public or private property within 72 hours, it shall be deemed abandoned and removed by the District government; and

(D) That continues to be parked in the same place on public or private property, including any public highway, for not less than 72 consecutive hours after the warning notice referenced in subparagraph (C) of this paragraph is affixed.

New, Section
40-831

(2) "Junk vehicle" means any vehicle that is wrecked, dismantled, or in irreparable condition.

Sec. 3. Abandoned Vehicle Division established.

New, Section
40-832

(a) There is established an Abandoned and Junk Vehicle Division of the Department of Public Works ("Abandoned and Junk Vehicle Division"), which shall be responsible for the removal of any abandoned or junk vehicle from any public or private property including any public highway. The Abandoned and Junk Vehicle Division shall:

(1) Determine whether the vehicle is an abandoned or junk vehicle in accordance with section 2;

(2) Determine whether the vehicle has been stolen and relinquish custody of the vehicle to the Metropolitan Police Department, if the vehicle has been stolen;

(3) Place a conspicuous warning notice on the vehicle that informs the owner that unless the vehicle is removed within 72 consecutive hours it shall be removed by the District government, if the Abandoned and Junk Vehicle Division has reason to believe that the vehicle is abandoned;

(4) Impound any abandoned vehicle, if appropriate;

(5) Notify the owner and any lien holder of record in the Office of the Recorder of Deeds of the District of Columbia that the abandoned vehicle will be sold at public auction if not reclaimed within 45 days after the date of the notice;

(6) Sell any abandoned vehicle at public auction and use the proceeds of the sale in accordance with section 1b of An Act to prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, passed on 2nd reading on May 30, 1989 (Enrolled version of Bill 8-10);

(7) Place a conspicuous warning notice on a junk vehicle on public property that informs the owner that the District government shall tow and transfer the vehicle and recycle, dismantle, salvage, or demolish the vehicle immediately; and

(8) Implement and enforce An Act To authorize the Commissioner of the District of Columbia to remove dangerous and unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Code, sec. 5-604 et seq.), with respect to a junk vehicle on private property, if the junk vehicle has been deemed a nuisance.

Note, Secti
5-604

(b) To the fullest extent possible, the Mayor shall utilize existing personnel who are charged with public space inspection, sanitation inspection, and traffic and parking

regulation enforcement responsibilities to investigate and place warning notices on abandoned and junk vehicles.

(c) The Mayor shall encourage all District government agencies and residents to identify and report abandoned and junk vehicles to the Abandoned and Junk Vehicle Division and shall, within 90 days of the effective date of this act, implement an educational campaign to accomplish this task.

Sec. 4. Junk vehicles; nuisances.

Any junk vehicle on private property that is a danger to the public health, safety or welfare shall be deemed a nuisance in accordance with An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Code, sec. 5-604 et seq.).

New, Section
40-833
Note, Section
5-604

Sec. 5. Abandoned and Junk Vehicle Division Fund.

(a) An Abandoned and Junk Vehicle Division Fund ("Fund") is established to receive all money collected by the Abandoned and Junk Vehicle Division. All money collected by the Abandoned and Junk Vehicle Division shall be deposited in the Fund, in coordination with the D.C. Comptroller.

(b) Any money collected by the Abandoned and Junk Vehicle Division shall be for the sole use of the Abandoned and Junk Vehicle Division and shall be deposited as soon as practicable in the Fund.

(c) The Abandoned and Junk Vehicle Division shall pay all of its expenditures out of money deposited in the Fund.

(d) The Mayor shall submit to the Council an annual statement of the Fund's receipts and disbursements beginning January 1, 1991.

New, Section
40-834

Sec. 6. The Revised Statutes of the District of Columbia, approved December 5, 1919 (R.S., D.C., sec. 408; D.C. Code, sec. 4-152 et seq.), are amended as follows:

Section
4-152

(a) Section 408 (D.C. Code, sec. 4-152(b)(1)) is amended by adding the phrase "except a motor vehicle," after the phrase "tangible or intangible";

(b) Section 409 (D.C. Code, sec. 4-153) is amended by adding a new phrase after the word "him" to read as follows: ", except that the custody of any abandoned vehicle shall be transferred to the Abandoned and Junk Vehicle Division of the Department of Public Works";

Section
4-153

(c) Section 417 (D.C. Code, sec. 4-161(a)) is amended by striking the phrase ", except motor vehicles which shall be held for not less than 60 days," after the phrase "not less than 90 days";

Section
4-161

(d) Section 417 (D.C. Code, sec. 4-161(e)) is amended by striking the term "Property Clerk" wherever it appears and inserting the phrase "The Abandoned and Junk Vehicle Division of the Department of Public Works" in its place; and

(e) Section 417 (D.C. Code, sec. 4-161(e)) is amended by striking the number "30" and inserting the number "45" in its place."

Sec. 7. An Act To prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Code, sec. 40-812 et seq.), is amended as follows:

(a) By amending section 1 as follows:

(1) Subsection (a) is amended by striking the first sentence and inserting the following sentences in its place:

Section
40-812

"(a) It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code, sec. 40-601 et seq.), to park, store, or leave a vehicle of any kind, including an abandoned or junk vehicle, whether attended or not, or for the owner of any vehicle to allow the vehicle to be parked, stored, or left, whether attended or not, upon any public or private property in the District of Columbia, including a public highway, without the consent of the owner of the public or private property. The Abandoned and Junk Vehicle Division shall remove and impound any abandoned vehicle that is parked, stored, or left in violation of this act and keep the abandoned vehicle impounded until an owner or authorized person, pays the Abandoned and Junk Vehicle Division a towing fee of \$75 and a reasonable fee for storage. The Abandoned and Junk Vehicle Division shall tow and transfer any junk vehicle to recycle, dismantle, salvage or demolish the vehicle and use any proceeds in accordance with section 1b(b).

(2) Subsection (b) is amended by inserting the phrase "Abandoned and Junk Vehicle Division or a tow crane operator at the request of" before the phrase "the private property owner";

(3) A new subsection (d) is added to read as follows:

"(d) Except as provided in section 1, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid, written, authorization from the District government to do any of the following:

"(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

"(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public property and to which a District government warning notice that relates to the removal of an abandoned vehicle has been affixed; or

"(3) Remove, mutilate, or attempt to remove or mutilate the warning notice."

(4) Subsections (e), (f), and (g) are added to read as follows:

"(e) A person shall not store an unused vehicle on private property for more than 90 days unless:

"(1) The vehicle is completely shielded from the view of individuals on the adjoining property;

"(2) The vehicle is stored within the building setback lines of the property; and

"(3) The vehicle has a permit issued under this section.

"(f) A person living in the household may apply to the Department of Public Works for a permit to store an unused vehicle on private property for more than 90 days if serious hardship is established, including if:

"(1) The owner of the vehicle is recovering from an illness or accident;

"(2) The owner of the vehicle is on a foreign assignment for the United States government; or

"(3) The driver's license of the owner of the vehicle is suspended.

"(g) The Department of Public Works shall issue a permit to store an unused vehicle on private property pursuant to this paragraph, if the application for the permit is complete and includes satisfactory documentation of eligibility for the permit. A permit issued under this section:

"(1) May be issued for up to 1 year;

"(2) May be renewed; and

"(3) May be revoked if the vehicle is deemed a nuisance."

(b) By adding the following new section to read as follows:

"Sec. 1a. Notice to owner of abandoned vehicle taken into custody.

"(a) The Abandoned and Junk Vehicle Division shall send a notice, within 5 working days after an abandoned vehicle has been taken into custody, to the last address of the owner of record of the vehicle and any lien holders of record in the Office of the Recorder of Deeds of the District of Columbia that the vehicle has been taken into custody and, within 10 days of taking the vehicle into custody, publish notice in a newspaper of general

New, Section
40-812.1

circulation in the District once a week for 2 consecutive weeks. The notice shall:

"(1) Describe the year, make, model, and serial number of the vehicle;

"(2) Set forth the location of the facility where the vehicle is being held;

"(3) Inform the owner and any person who has a security interest in the vehicle of the right to reclaim the vehicle within 45 days after the date of the notice, upon the payment of all fees incurred and towing and storage charges that resulted from placing the vehicle in custody; and

"(4) State that the failure of the owner or person who has a security interest to exercise the right to reclaim the vehicle within the time provided shall constitute a waiver by the owner and any person who has a security interest, of all right, title, and interest in the vehicle, and shall constitute consent to the sale of the vehicle at public auction.

"(b) If the records do not contain the identity or address of the owner or a person who has a security interest in the vehicle, within 10 days of taking the vehicle into custody, the Abandoned and Junk Vehicle Division shall publish notice in a newspaper of general circulation in the District once a week for 2 consecutive weeks, which shall have the same contents required for notice in subsection (a) of this section, and which may contain a listing of more than one abandoned vehicle.

"(c) If an owner or a person who has an interest in a vehicle fails to reclaim a vehicle after notice, as provided in subsection (a) of this section, the failure to reclaim shall constitute a waiver by the owner and any person who has a security interest in the vehicle of all right, title, and interest in the vehicle and shall constitute consent to the sale of the vehicle at public auction.

"Sec. 1b. Sale of abandoned vehicle at public auction; disposition of proceeds.

New, Section
40-812.2

"(a) If an abandoned vehicle has not been reclaimed, the Abandoned and Junk Vehicle Division or an agent of the Division shall sell the vehicle at public auction. The purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt at the auction, and be entitled to, upon application, a certificate of title and registration.

"(b) The Abandoned and Junk Vehicle Division shall retain from the proceeds of the sale of the vehicle an amount that represents reimbursement for the expenses of the action and the cost of towing and storing the vehicle. Any remaining proceeds shall be deposited in the Abandoned and Junk Vehicle Division Fund ("Fund"), established in section

5, to be used by the Abandoned and Junk Vehicle Division to implement the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989.

"(c) If the money collected from the sale of the vehicle is insufficient to reimburse the Abandoned and Junk Vehicle Division for the costs of towing and storing the vehicle and the expenses of sale, the last registered owner shall be liable for the deficiency. For the purposes of this subsection, the costs chargeable to an owner for the preservation and storage of a vehicle shall not exceed \$300."

Sec. 8. Within 90 days of the effective date of this act, the Mayor shall transfer jurisdiction of the Blue Plains Impoundment Lot from the Metropolitan Police Department to the Department of Public Works to store and auction abandoned vehicles and submit a feasibility study with recommendations on the use of private contractors to store and auction abandoned vehicles.

New, Section
40-834

Sec. 9. Section 4 of the Abandoned or Unauthorized Vehicle Removal and District of Columbia Public Assistance Act Amendment Act of 1982, effective September 14, 1982 (D.C. Law 4-146; 18 DCMR 1105), is repealed.

Sec. 10. Illegal Dumping.

(a) Section 1000 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new subsection to read as follows:

"Any person who fails to comply with this section shall be subject to civil sanctions provided in the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2901 et seq.), and shall be subject to a fine of not less than \$500 and not more than \$1000 for the first offense. Continued or repeated failure to comply with this section shall be grounds for suspension or revocation of a solid waste collector's license."

Sec. 11. Rules.

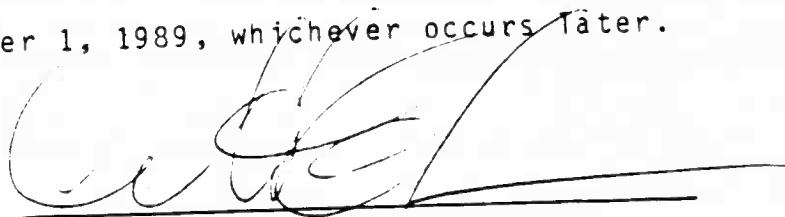
Within 90 days from the effective date of this act, the Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act. The proposed rules shall be submitted to the 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 rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

New, Section
40-835

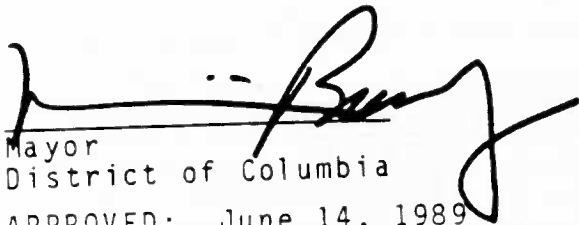
Sec. 12. Effective date.

(a) 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; or

(b) By November 1, 1989, whichever occurs later.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 14, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-10

Item on Consent Calendar

ACTION & DATE Adopted First Reading, 5-16-89

VOICE VOTE Approved

Recorded vote on request

Absent all present

ROLL CALL VOTE — RESULT _____

| COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB |
|----------------|-----|-----|----|----|----------------|-----|-----|----|----|----------------|-----|-----|----|----|
| CHMN CLARKE | | | | | MASON | | | | | THOMAS SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH JR | | | | | | | | | |

X — Indicates Vote AB — Absent NV — Present, not voting

CERTIFICATION RECORD

Russell C. Smith

 Secretary to the Council

6-8-89

 Date

Item on Consent Calendar

ACTION & DATE Adopted Final Reading, 5-30-89

VOICE VOTE Approved

Recorded vote on request

Absent Lightfoot

ROLL CALL VOTE — RESULT _____

| COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB |
|----------------|-----|-----|----|----|----------------|-----|-----|----|----|----------------|-----|-----|----|----|
| CHMN CLARKE | | | | | MASON | | | | | THOMAS SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH JR | | | | | | | | | |

X — Indicates Vote AB — Absent NV — Present, not voting

CERTIFICATION RECORD

Russell C. Smith

 Secretary to the Council

6-8-89

 Date

Item on Consent Calendar

ACTION & DATE _____

VOICE VOTE _____

Recorded vote on request

Absent _____

ROLL CALL VOTE — RESULT _____

| COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB | COUNCIL MEMBER | AYE | NAY | NV | AB |
|----------------|-----|-----|----|----|----------------|-----|-----|----|----|----------------|-----|-----|----|----|
| CHMN CLARKE | | | | | MASON | | | | | THOMAS SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH JR | | | | | | | | | |

X — Indicates Vote AB — Absent NV — Present, not voting

CERTIFICATION RECORD