

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 2.**  
**GOVERNMENT ADMINISTRATION.**

**CHAPTER 1.**  
**INSPECTIONS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 1. INSPECTIONS.

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# **CHAPTER 1. INSPECTIONS.**

## **SUBCHAPTER I. STEAM BOILERS.**

### **§ 2-101. CITATION OF SUBCHAPTER.**

This subchapter may be cited as the "Boiler Inspection Act of the District of Columbia."

(June 25, 1936, 49 Stat. 1917, ch. 802, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1001.

1973 Ed., § 1-701.

### **§ 2-102. "PERSON" DEFINED.**

Wherever the word "person" is used in this subchapter it shall include individuals, firms, partnerships, associations, and corporations.

(June 25, 1936, 49 Stat. 1917, ch. 802, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1002.

1973 Ed., § 1-702.

### **§ 2-103. BOILER INSPECTION SERVICE CREATED; APPOINTMENT, QUALIFICATIONS, AND DUTIES OF BOILER INSPECTOR.**

There is hereby constituted a Boiler Inspection Service in the Department of Licenses, Investigation and Inspections of the District of Columbia, to be composed of the following: (1) A Boiler Inspector who shall be qualified by training and experience in the construction and operation of steam boilers and unfired pressure vessels, and who, under an official designated by the Mayor of the District of Columbia, shall have charge of the enforcement of the provisions of this subchapter and of the regulations promulgated hereunder; and (2) such other employees as may be necessary for the proper performance of the work. All such officials and employees shall be appointed by the Mayor of the District of Columbia.

(June 25, 1936, 49 Stat. 1917, ch. 802, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1003.

1973 Ed., § 1-703.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of

Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Department of Inspections abolished: The Department of Inspections was abolished and the function thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 55 of the Board of Commissioners, dated June 30, 1953, and amended August 13, 1953, and December 17, 1953, established under the direction and control of a Commissioner, a Department of Licenses and Inspections headed by a Director. The Order set out the purpose, organization, and functions of the new Department. The Order provided that all of the functions and positions of the following named organizations were transferred to the new Department of Licenses and Inspections: The Department of Inspections including the Engineering Section, the Building Inspection Section, the Electrical Section, the Elevator Inspection Section, the Fire Safety Inspection Section, the Plumbing Inspection Section, the Smoke and Boiler Inspection Section, and the Administrative Section, and similarly the Department of Weights, Measures and Markets, the License Bureau, the License Board, the License Committee, the Board of Special Appeals, the Board for the Condemnation of Dangerous and Unsafe Buildings, and the Central Permit Bureau. The Order provided that in accordance with the provisions of Reorganization Plan No. 5 of 1952, the named organizations were abolished. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions vested in the Department of Licenses and Inspection by Reorganization Order No. 55 were transferred to the Director of the Department of Economic Development by Commissioner's Order No. 69-96, dated March 7, 1969. The Department of Economic Development was replaced by Mayor's Order No. 78-42, dated February 17, 1978, which Order established the Department of Licenses, Investigation and Inspections. The functions of the Department of Licenses, Investigations, and Inspections were transferred to the Department of Consumer and Regulatory Affairs by Reorganization Plan No. 1 of 1983, effective March 31, 1983.

## **§ 2-104. BOND AND OATH OF INSPECTOR.**

The said Inspector shall give bond, with 2 sufficient securities, to be approved by the Mayor, in the sum of \$2,000, and he shall take and subscribe the following oath or affirmation before a notary public or a judge of the Superior Court of the District of Columbia: "I do solemnly swear that I will diligently, faithfully, and impartially execute the duties of my office without favor."

(Leg. Assem., June 25, 1873, ch. 25, § 4; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1004.

1973 Ed., § 1-704.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-105. CERTIFICATE OF INSPECTION REQUIRED.**

No person shall use or cause to be used any steam boiler operating at a pressure in excess of 15 pounds per square inch, or operating at a pressure less than 15 pounds per square inch unless provided with an unassisted gravity return, or any unfired pressure vessel operating at a pressure in excess of 60 pounds per square inch and having a capacity in excess of 15 gallons, except such vessels as may be exempted by the Council of the District of Columbia, without having first obtained a certificate of inspection from the Boiler Inspector.

(June 25, 1936, 49 Stat. 1917, ch. 802, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-1005.

1973 Ed., § 1-705.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(23) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-106. OPERATION PROHIBITED.**

No person shall operate or cause to be operated any boiler or unfired pressure vessel, referred to in § 2-105, at a pressure greater than that permitted by the certificate of inspection, or while feed pumps, gauges, cocks, valves, or automatic safety-control devices are not in proper working condition, or in violation of any of the regulations promulgated hereunder by the Council of the District of Columbia.

(June 25, 1936, 49 Stat. 1918, ch. 802, § 5.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-1006.

1973 Ed., § 1-706.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-107. ANNUAL INSPECTION; ISSUANCE, CONTENTS AND DISPLAY OF CERTIFICATE OF INSPECTION; INSPECTION BY INSURANCE COMPANY.**

The Boiler Inspector, or one of his assistants, shall inspect annually all boilers and unfired pressure vessels for which a certificate of inspection is required by § 1-1005 and shall determine by actual tests the condition thereof from the standpoint of safety and fitness for operation. If such boiler or vessel be safe and fit for operation, the Boiler Inspector shall issue the certificate of inspection which shall state, among other things, the pressure per square inch such boiler or vessel may be allowed to carry. This certificate of inspection shall be displayed in a conspicuous place in close proximity to the boiler or vessel covered thereby. In the case of a steam boiler or unfired pressure vessel which is regularly insured and inspected at least once a year by an insurance company duly licensed in the District of Columbia and approved by the Mayor of the said District as to its inspection service where a report of such inspection filed within 30 days after such inspection with the Boiler Inspector shows any such boiler or unfired pressure vessel to be in a safe and insurable condition, such inspection and report shall take the place of the inspection hereinbefore provided and the certificate of inspection may be issued upon such report. Insurance companies shall report to the inspectors the cancelation of insurance of any certificate holder.

(June 25, 1936, 49 Stat. 1918, ch. 802, § 6.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 1-1007.

1973 Ed., § 1-707.

### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-108. REVOCATION OR SUSPENSION OF CERTIFICATE.**

The Boiler Inspector may in his discretion revoke or suspend the certificate of inspection provided in § 2-105 if at any time he shall find any boiler or unfired pressure vessel covered by such certificate to be unsafe or unfit for operation.

(June 25, 1936, 49 Stat. 1918, ch. 802, § 7.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 1-1008.

1973 Ed., § 1-708.

## **§ 2-109. EXEMPTIONS.**

Steam boilers and unfired pressure vessels located in or upon boats or vessels or other floating equipment, or boats or vessels owned or operated by the United States, or upon locomotives, street cars, busses, or other vehicles, operated under the regulations of any federal agency or the Public Service Commission of the District of Columbia, shall be exempt from the provisions of this subchapter.

(June 25, 1936, 49 Stat. 1918, ch. 802, § 8; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 1-1009.

1973 Ed., § 1-709.

## **§ 2-110. INSPECTION FEES; CESSATION OF INSURANCE INVALIDATES CERTIFICATE OF INSPECTION.**

There shall be paid to the Director of the Department of Finance and Revenue of the District of Columbia by the owner or user, for the issuance of a certificate as required by this subchapter, fees to be fixed from time to time by the Mayor of the District of Columbia for the annual inspection of each steam boiler or unfired pressure vessel, commensurate with the cost of inspection, with power to fix higher fees for the issuance of a certificate where the inspection in connection therewith is made on a Sunday or legal holiday. When an inspection report is filed by an insurance company with the said Boiler Inspector showing that a boiler or unfired pressure vessel has been inspected and found to be in a safe and insurable condition as provided in § 2-107, the owner or user of such insured and inspected boiler or unfired vessels shall be exempt from the payment of all fees with the exception that there shall be paid to the Director of the Department of Finance and Revenue of the District of Columbia a fee of \$1 by the owner or user prior to the issuance of a certificate of inspection. No such certificate shall be valid after the boiler or unfired pressure vessel shall cease to be insured by an insurance company authorized as provided in § 2-107.

(June 25, 1936, 49 Stat. 1918, ch. 802, § 9.)

## HISTORICAL AND STATUTORY NOTES

### *Prior Codifications*

1981 Ed., § 1-1010.

1973 Ed., § 1-710.

### *References in Text*

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### *Miscellaneous Notes*

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121, was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969. The collection functions of the Director of the Department of Finance and Revenue were transferred to the District of Columbia Treasurer by § 47-316 on March 5, 1981.

## **§ 2-111. RIGHT OF ENTRY FOR INSPECTION.**

The Boiler Inspector and his assistants shall have the right to enter, in the performance of his or their duties, at all reasonable hours, all premises on which a steam boiler or unfired pressure vessel is being installed, operated, or maintained, and it shall be unlawful for any person to deny admittance to any such Inspector or assistant or to interfere with him or them in the performance of his or their duties.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 10.)

## HISTORICAL AND STATUTORY NOTES

### *Prior Codifications*

1981 Ed., § 1-1011.

1973 Ed., § 1-711.

## **§ 2-112. RECORDS.**

The Boiler Inspector shall keep in the office of the Boiler Inspection Service all applications made, and a complete record thereof, as well as of all certificates issued. He shall also keep a complete record of each boiler and unfired pressure vessel inspected, and such other records and data pertaining to the Boiler Inspection Service as may be directed by the Mayor of the District of Columbia.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 11.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-1012.

1973 Ed., § 1-712.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 2-113. USE DEEMED NUISANCE; PROCEEDINGS TO ABATE.**

The use of any steam boiler or unfired pressure vessel in violation of any of the prohibitions or requirements of this subchapter, or of the regulations promulgated under the authority hereof, shall constitute a common nuisance and the Corporation Counsel of the District of Columbia may maintain an action in the Superior Court of the District of Columbia, in the name of the District of Columbia, to abate and perpetually enjoin such nuisance.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 12; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(c)(2).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-1013.

1973 Ed., § 1-713.

### **§ 2-114. FILING INFORMATION; PENALTIES; SEPARATE OFFENSES.**

If any person shall violate any one or more of the provisions of this subchapter or of regulations duly promulgated hereunder, the Corporation Counsel of the District of Columbia, or any of his assistants, shall file an information in the Superior Court of the District of Columbia in the name of the District of Columbia, and upon conviction such persons shall be subject to a fine not to exceed \$100 or to imprisonment for not more than 90 days, or both, for each and every violation thereof, and each violation shall constitute a separate offense. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this subchapter shall be pursuant to Chapter 18 of Title 2.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 13; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6-42, § 454, 32 DCR 4450.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-1014.

1973 Ed., § 1-714.

*Legislative History of Laws*



Law 6-42 was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

## **§ 2-115. AUTHORIZATION TO MAKE REGULATIONS AND FIX FEES.**

The Council of the District of Columbia is hereby authorized and empowered to make such regulations as it may deem proper to carry out the provisions of this subchapter and the Mayor of the District of Columbia is hereby authorized and empowered to fix the fees herein provided.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 14.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1015.

1973 Ed., § 1-715.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(24) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-116. REPEAL OF INCONSISTENT PROVISIONS; EXCEPTION.**

All laws or parts of laws relating to boiler inspection in conflict with the provisions of this subchapter are hereby repealed: Provided, that no provision of this subchapter shall be deemed to amend, alter, or repeal §§ 3-2701 to 3-2707.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 15.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1016.

1973 Ed., § 1-716.

#### *Editor's Notes*

D.C. Law 6-42 added § 2-2408 [§ 3-2708, 2001 Ed.] to the chapter referred to in the text.

## **§ 2-117. SEVERABILITY.**

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of said sections which can be given effect without the invalid provision or application, and to this end the provisions of said sections are declared to be severable.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 16.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1017.

1973 Ed., § 1-717.

## **§ 2-118. EFFECTIVE DATE; PUBLICATION AND ENFORCEMENT OF REGULATIONS AND FEES.**

This subchapter shall become effective 6 months from the date of their approval. The regulations and schedule of fees herein provided for shall be promulgated by the Council of the District of Columbia and the Mayor of the District of Columbia, respectively, and printed in one or more of the daily newspapers published in the said District but shall not be enforced until 30 days after such publication or until December 25, 1936. Amendments to the regulations or new or additional schedules of fees, when and as the same may be adopted, shall likewise be printed in one or more of the daily newspapers published in the said District and no penalty for violation thereof or payment of new or additional fees prescribed shall be enforced until 30 days after such publication.

(June 25, 1936, 49 Stat. 1919, ch. 802, § 17.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1018.

1973 Ed., § 1-718.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **SUBCHAPTER II. INSPECTORS GENERALLY.**

### **§ 2-131. REGULATION OF ELECTRICITY; EXAMINATION FEES; EXEMPTION OF PUBLIC UTILITIES.**

The Council of the District of Columbia shall have power to make from time to time such rules and regulations respecting the production, use and control of electricity for light, heat, and power purposes in the District of Columbia not inconsistent with existing laws, as in its judgment will afford safety and convenience to the public; and the Council is further authorized and empowered to prescribe such fees for the examination of the electrical wiring, machinery, and appliances in buildings as it may deem proper, to be paid to the Director of the Department of Finance and Revenue of the District of Columbia, and any such rules and regulations shall after promulgation have the effect and force of law: Provided, that nothing in §§ 2-131 to 2-133 contained shall apply to any electric company or electricity supplier facility or equipment engaged in the production, transmission, or distribution of electric current for public service or use.

(Apr. 26, 1904, 33 Stat. 306, ch. 1602, § 1; May 9, 2000, D.C. Law 13-107, § 301, 47 DCR 1091.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1019.

1973 Ed., § 1-719.

#### *Effect of Amendments*

D.C. Law 13-107 substituted "any electric company or electricity supplier facility or equipment engaged in the production, transmission, or distribution" for "the power plants or buildings of incorporated companies engaged in the production and distribution".

#### *Legislative History of Laws*

Law 13-107, the "Retail Electric Competition and Consumer Protection Act of 1999," was introduced in Council and assigned Bill No. 13-284, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-256 and transmitted to

both Houses of Congress for its review. D.C. Law 13-107 became effective on May 9, 2000.

#### *References in Text*

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(25) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 1, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969.

## **§ 2-132. ELECTRICAL ENGINEER; ELECTRICAL INSPECTORS.**

There is hereby established, under the direction of the Mayor of the District of Columbia, the office of Electrical Engineer, and the Mayor of said District is hereby authorized and directed to appoint an Electrical Engineer, and said Electrical Engineer shall be an expert electrician, possessing a thorough knowledge of the most modern methods for the production, use, and control of electricity and electrical appliances, construction, wiring, and insulation, as well as such executive ability and adaptability to office work as is requisite for the efficient management of the said office. And the Mayor is authorized and directed to appoint 2 electrical inspectors to assist in the work required by the authority of §§ 2-131 to 2-133, who shall perform such clerical duties as may be required by the Mayor.

(Apr. 26, 1904, 33 Stat. 307, ch. 1602, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1020.

1973 Ed., § 1-721.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3

of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 2-133. ASSISTANT ELECTRICAL ENGINEER.**

The Assistant Electrical Engineer shall perform the duties of the Electrical Engineer in the absence or disability of the latter and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the Department.

(Mar. 2, 1911, 36 Stat. 981, ch. 192.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1021.

1973 Ed., § 1-722.

### **§ 2-134. APPOINTMENT OF INSPECTOR OF PLUMBING; DUTY.**

There shall be appointed by the Mayor of the District of Columbia an Inspector of Plumbing for said District, whose duty it shall be, to inspect all houses in course of erection, and pass upon the plumbing and sewerage of said houses.

(Jan. 25, 1881, 21 Stat. 318, ch. 27.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-1022.

1973 Ed., § 1-724.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 2-135. REGULATION OF PLUMBING; LICENSING OF PLUMBERS AND GAS-FITTERS; NONCOMPLIANCE.**

The Council of the District of Columbia and its successors are authorized and empowered to make and modify, and the Mayor of the District of Columbia and his successors are authorized and empowered to enforce, regulations governing plumbing, house drainage, and the ventilation, preservation, and maintenance in good order of house sewers and public sewers in the District of Columbia, and also regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing and gas-fitting in said District; and any person who shall neglect or refuse to comply with the requirements of the provisions of said regulations after 10 days notice of the specific thing required to be done thereunder, within the time limited by the Mayor for doing such work, or as the said time may be extended by said Mayor, shall upon conviction thereof be punishable by a fine of not more than \$200 for each and every such offense, or in default of payment of fine, to imprisonment not to exceed 30 days. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the regulations pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(Apr. 23, 1892, 27 Stat. 21, ch. 53, § 1; Mar. 3, 1893, 27 Stat. 543, ch. 199; Oct. 5, 1985, D.C. Law 6-42, §

## HISTORICAL AND STATUTORY NOTES

*Prior Codifications*

1981 Ed., § 1-1023.

1973 Ed., § 1-725.

*Legislative History of Laws*

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-114.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(26) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 2-136. PLUMBING PERMIT FEES; DISPOSITION OF FEES COLLECTED.**

The Council of the District of Columbia and its successors, be, and they hereby are, authorized to establish, and the Mayor of the District of Columbia and his successors, be, and they hereby are, authorized to charge, a fee for each permit granted to connect any building, premises, or establishment with any sewer, water, or gas main, or other underground structure located in any public street, avenue, alley, road, highway, or space; and also to establish and charge a fee for each permit granted to make an excavation in any public street, avenue, alley, highway, road, or space for the purpose of repairing, altering, or extending any house sewer, water main, or gas main, or other underground construction. The fees authorized by this section shall be paid to the Director of the Department of Finance and Revenue of the District of Columbia and by him paid for each fiscal year into the Treasury of the United States to the credit of the General Fund of the District of Columbia.

(Apr. 23, 1892, 27 Stat. 21, ch. 53, § 3; Feb. 22, 1921, 41 Stat. 1144, ch. 70, § 7; June 28, 1944, 58 Stat. 533, ch. 300, § 18; Reorg. Plan No. 3 of 1967, § 402(27), 81 Stat. 952.)

## HISTORICAL AND STATUTORY NOTES

*Prior Codifications*

1981 Ed., § 1-1024.

1973 Ed., § 1-726.

*References in Text*

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(27) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969.

## **§ 2-137. POWERS OF INSPECTOR OF PLUMBING.**

The Inspector of Plumbing and his assistants shall be under the direction of said Mayor of the District of Columbia, and they are hereby empowered, accordingly, to inspect or cause to be inspected, all houses when in course of erection in said District, to see that the plumbing, drainage, and ventilation of sewers, and gas-fittings thereof conform to the regulations hereinbefore provided for; and also at any time, during reasonable hours, under like direction, on the application of the owner, or occupant, or the complaint under oath of any reputable citizen, to inspect or cause to be inspected any house in said District to examine the plumbing, drainage, and ventilation of sewers, and gas-fittings thereof, and generally to see that the regulations hereinbefore provided for are duly observed and enforced.

(Apr. 23, 1892, 27 Stat. 21, ch. 53, § 4; Mar. 3, 1893, 27 Stat. 543, ch. 199.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1025.

1973 Ed., § 1-727.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-138. DUTIES OF ASSISTANT INSPECTOR OF BUILDINGS.**

The principal Assistant Inspector of Buildings may perform and discharge any of the duties of the Inspector of Buildings when so directed by the Mayor of the District of Columbia.

(Mar. 3, 1899, 30 Stat. 1046, ch. 422.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1026.

1973 Ed., § 1-728.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 2-139. INSPECTOR OF ELEVATORS AND FIRE ESCAPES.**

One of the Assistant Inspectors of Buildings shall hereafter also perform the duties of Inspector of Elevators and Fire Escapes, without additional compensation.

(Aug. 7, 1894, 28 Stat. 244, ch. 232.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1027.

1973 Ed., § 1-729.

#### *Miscellaneous Notes*

New implementing regulations: Pursuant to this section, the following new regulations were adopted in 1984: The "Apartment House Elevator Act of 1984" (D.C. Law 5-132, Mar. 13, 1985, 32 DCR 1717).

## **§ 2-140. NOTICE OF ATTEMPTED RESIDENTIAL SERVICE.**

(a) Within 90 days after April 11, 1986, the Mayor shall issue rules establishing a system under which agencies of the District of Columbia government which provide the services enumerated in this section to residents of the District of Columbia upon request shall notify the requestor that a service cannot be provided. The rules shall provide for notice pursuant to subsection (b) of this section and for notice to be left, if possible, (1) by being pushed under the internal door on the premises of the requestor, (2) by being pushed through a mail slot in the internal door on the premises of the requestor, or (3) as a last resort, in any manner on the premises of the requestor that offers a reasonable assurance that it will remain there until retrieved by the resident.

(b) The rules shall provide a system under which the following information shall be made available to the residents: The name of the agency, the name of the individual attempting to provide the service, the date and time of the attempt to complete the requested service, the reason the service could not be delivered, and a telephone number that the resident can call to reschedule service.

(c) The services covered by this section shall include bulk trash collection, tree trimming, alley cleaning, leaf collection, inspections for alleged housing code violations, and any other service included in the rules issued pursuant to subsection (a) of this section.

(d) All rules issued pursuant to this section shall be transmitted to the Council for a 45-day review period.

(e) The Council may, by resolution, approve or disapprove the rules, in whole or in part, within the 45-day review period. If the Council, by resolution, does not approve or disapprove the regulations before the expiration of the 45-day review period, the regulations shall become effective at the expiration of the 45-day review period.

(Apr. 11, 1986, D.C. Law 6-103, § 2, 33 DCR 1157.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-1028.

#### *Legislative History of Laws*

Law 6-103, the "District of Columbia Residence Doorknob Notice Act of 1985," was introduced in Council and assigned Bill No. 6-94, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on January 14, 1986, and January 28, 1986, respectively. Approved without the signature of the Mayor on February 14, 1986, it was assigned Act No. 6-132 and transmitted to both Houses of Congress for its review.