

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 34.
PUBLIC UTILITIES.

CHAPTER 24.
WATER SUPPLY, ASSESSMENTS, AND RATES.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 24. WATER SUPPLY, ASSESSMENTS, AND RATES.

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CHAPTER 24. WATER SUPPLY, ASSESSMENTS, AND RATES.

SUBCHAPTER I. GENERAL PROVISIONS.

§ 34-2401.01. MAYOR TO HAVE POWER TO ERECT WATER MAINS, PIPES, AND FIREPLUGS.

The Mayor of the District of Columbia shall have the power to lay water mains and water pipes and to erect fireplugs and hydrants wherever the same may be in his judgment necessary for the public safety, comfort, or health.

(R.S., D.C., § 204; June 17, 1890, 26 Stat. 159, ch. 428.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1501.

1973 Ed., § 43-1501.

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.

§ 34-2401.02. OPERATIONS OF WATER DEPARTMENT TO BE UNDER DIRECTION OF ENGINEER'S OFFICE.

The operations of the Water Department of the District of Columbia shall be under the direction of the Engineer's Office of the District, subject to the control of the Mayor of the District of Columbia.

(July 1, 1882, 22 Stat. 143, ch. 263, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1502.

1973 Ed., § 43-1502.

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.

Transfer of Functions

Reorganization Order No. 28 of the Board of Commissioners, dated April 3, 1953, now redesignated Organization Order No. 147, dated August 19, 1965, established a Department of Sanitary Engineering headed by a Director. The Department performed sanitary engineering services and operations for the District including water distribution, sanitary, storm, and combined sewer systems, sewage treatment, and collection and disposal of waste material. The Office of the Water Registrar and the previously existing Department of Sanitary Engineering (which included the Sewer Division, Water Division, Sanitation Division, and the Sewage Treatment Plant) were abolished and their functions transferred to this Department. The Orders were issued pursuant to Reorganization Plan No. 5 of 1952. Functions of the Department of Sanitary Engineering as set forth in Organization Order No. 147, as amended, were transferred to the Department of Environmental Services by Commissioner's Order No. 71-255, dated July 27, 1971.

§ 34-2401.03. WATER SUPPLY; RULES AND REGULATIONS.

Full power is given to the Mayor of the District of Columbia to supply the inhabitants of the District with the Potomac water from the aqueduct mains or pipes laid in the streets and avenues by the United States; and to the Council of the District of Columbia to make all laws and regulations for the proper distribution of the same, subject to the provisions of this chapter, and to the control of the Chief of Engineers, as provided in § 51 of Title 40, United States Code. The supply of Potomac water may be extended to points in the District beyond the limits of Washington upon like terms and conditions as are provided by law for the supply of the same in that city.

(R.S., D.C., § 195; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 3; June 10, 1879, 21 Stat. 9, ch. 16; Feb. 25, 1885, 23 Stat. 319, ch. 145; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1503.

1973 Ed., § 43-1503.

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(323) 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.

§ 34-2401.04. FISCAL YEAR OF WATER DEPARTMENT.

The fiscal year of the Water Department of the District of Columbia shall conform to the regular fiscal year of the general government; the rates shall be levied and collected at least once every 12 months, or whenever practicable in the judgment of the Council of the District of Columbia, at least once every 6 months.

(July 1, 1882, 22 Stat. 144, ch. 263, § 2; May 18, 1954, 68 Stat. 103, ch. 218, § 107.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1504.

1973 Ed., § 43-1504.

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(323) 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.

Transfer of Functions

Reorganization Order No. 28 of the Board of Commissioners, dated April 3, 1953, now redesignated Organization Order No. 147, dated August 19, 1965, established a Department of Sanitary Engineering headed by a Director. The Department performed sanitary engineering services and operations for the District including water distribution, sanitary, storm, and combined sewer systems, sewage treatment, and collection and disposal of waste material. The Office of the Water Registrar and the previously existing Department of Sanitary Engineering (which included the Sewer Division, Water Division, Sanitation Division, and the Sewage Treatment Plant) were abolished and their functions transferred to this Department. The Orders were issued pursuant to Reorganization Plan No. 5 of 1952. Functions of the Department of Sanitary Engineering as set forth in Organization Order No. 147, as amended, were transferred to the Department of Environmental Services by Commissioner's Order. No. 71-255, dated July 27, 1971.

§ 34-2401.05. PAYMENT OF RATES FOR WATER AND WATER SERVICE.

All rates for water and water service hereby established shall be payable at least once semiannually.

When the computation of the amount of any bill for any of such services results in a fraction of one-half cent or more, the next highest amount not containing a fraction shall be charged.

(Oct. 21, 1975, D.C. Law 1-23, title VII, § 701(c), 22 DCR 2115.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1505.

1973 Ed., § 43-1504a.

Legislative History of Laws

Law 1-23 was introduced in Council and assigned Bill No. 1-47, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first, amended first, and second readings, and reconsideration of second reading, on April 15, 1975, June 1, 1975, June 24, 1975 and July 11, 1975, respectively. Signed by the Mayor on July 23, 1975, it was assigned Act No. 1-34 and transmitted to both Houses of Congress for its review.

§ 34-2401.06. CHANGE OF OWNERSHIP OR OCCUPANCY; STATEMENT OF ACCOUNT.

(a) Any person who desires a statement of the account of any water and sanitary sewer service charge to the date of the acquisition of any real property shall make a written request to the Department of Public Works ("Department") on or before the date of the acquisition, except that the Mayor may enforce payment of water and sewer service charges by shutting off the water supply or refusing to restore the water supply without regard to a change of ownership or occupancy of any real property. The Department shall issue a statement of the account within 30 days after receipt of the request for a statement of the account.

(b) The Mayor, with prior written notice to the owner of the date and time of entry, and consistent with constitutional guidelines, may enter any building, establishment, or other premises furnished water or sanitary sewer service. If the Mayor is unable to gain entry to the real property after 2 attempts, the Mayor shall notify the owner or occupant to contact the Department within 3 business days after notice is mailed to the owner. If the owner or occupant fails to contact the Department, it shall be presumed that the owner or occupant refuses to permit entry to the property and the Mayor may impose a penalty of \$100 and shut off the water supply to the real property. Upon the payment of the penalty or issuance of a final decision where the owner files a request for administrative review, the Mayor shall restore the water supply.

(Oct. 21, 1975, D.C. Law 1-23, title VII, § 703, 22 DCR 2116; June 13, 1990, D.C. Law 8-136, § 3, 37 DCR 2620.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1506.

1973 Ed., § 43-1504b.

Legislative History of Laws

For legislative history of D.C. Law 1-23, see Historical and Statutory Notes following § 34-2401.05.

For legislative history of D.C. Law 8-136, see Historical and Statutory Notes following § 34-2301.

§ 34-2401.07. WATER MAIN TAXES AND RENTS TO BE UNIFORM.

Water main taxes and water rents shall be uniform in said District.

(June 10, 1879, 21 Stat. 9, ch. 16.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1507.

1973 Ed., § 43-1505.

§ 34-2401.08. DEPARTMENT OF ENVIRONMENTAL SERVICES.

The Department of Environmental Services shall perform such duties connected with the Water Department of the District as may be proper and necessary, under the direction of the Mayor of the District of Columbia. He shall give bonds for the faithful performance of his duty in the sum of \$10,000.

(Leg. Assem., Aug. 23, 1871, ch. 108, § 16; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1508.

1973 Ed., § 43-1506.

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.

Transfer of Functions

Office of Water Registrar abolished: Reorganization Order No. 28 of the Board of Commissioners, dated April 3, 1953, now redesignated Organization Order No. 147, dated August 19, 1965, established a Department of Sanitary Engineering headed by a Director. The Department performed sanitary engineering services and operations for the District including water distribution, sanitary, storm, and combined sewer systems, sewage treatment, and collection and disposal of waste material. The Office of the Water Registrar and the previously existing Department of Sanitary Engineering (which included the Sewer Division, Water Division, Sanitation Division, and the Sewage Treatment Plant) were abolished and their functions transferred to this Department. The Orders were issued pursuant to Reorganization Plan No. 5 of 1952. Functions of the Department of Sanitary Engineering as set forth in Organization Order No. 147, as amended, were transferred to the Department of Environmental Services by Commissioner's Order No. 71-255, dated July 27, 1971.

The functions of the Department of Environmental Services were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

§ 34-2401.09. REFUND OF OVERPAID ASSESSMENTS.

In all cases where a water main has heretofore been or may hereafter be laid in a public street or way, and in order to secure the laying of such main the cost or a part thereof has been paid to the District of Columbia prior to the laying of said main by any person or corporation, there shall be repaid from time to time to such person or corporation, out of the collections from the assessment for such main, all of the amounts so paid over and above the assessment chargeable against the land owned or controlled by said person or corporation.

(June 2, 1900, 31 Stat. 252, ch. 612, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1520.

1973 Ed., § 43-1518.

§ 34-2401.10. WATER RENTS--REFUND FOR ERRONEOUS PAYMENT.

The Mayor of the District of Columbia is hereby authorized to cause all water rents erroneously paid after March 3, 1905, in the District of Columbia to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes; provided, that application for refund shall be made within 2 years after such erroneous payment. And after March 3, 1905, the said Mayor is authorized to cause to be refunded in the same manner and subject to the same limitations all money paid for water for any special purpose where the project is abandoned and the water not used, and for tapping water mains and for furnishing stopcock where the service is not rendered and the material is not furnished; and all money refunded under this section shall be paid from and charged to the water fund.

(Mar. 3, 1905, 33 Stat. 912, ch. 1406.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1521.

1973 Ed., § 43-1519.

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.

§ 34-2401.11. MAYOR TO HAVE AUTHORITY TO COLLECT WATER RATES IN ADVANCE.

The Mayor of the District of Columbia has authority to provide for the collection of water rates, in advance or otherwise, from the owner or occupants of all buildings or establishments using the water; and to provide for stopping the supply of water to any dwelling or establishment upon a failure to pay the rate, and to carry into full effect the provisions of this chapter.

(R.S., D.C., § 197; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1526.

1973 Ed., § 43-1521.

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.

§ 34-2401.12. WATER RATES NOT TO BE A SOURCE OF REVENUE.

The water rates levied in the District of Columbia shall never be a source of revenue other than as a means of keeping up to said District a supply of water but shall constitute a fund exclusively for the maintenance, management, and repair of the system of water distribution.

(R.S., D.C., § 198; July 12, 1876, 19 Stat. 87, ch. 180, § 18; Feb. 25, 1885, 23 Stat. 319, ch. 145.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1531.

1973 Ed., § 43-1522.

§ 34-2401.13. PAYMENT OF WATER TAX INTO GENERAL FUND.[REPEALED]

(R.S., D.C., § 203; Jan. 22, 1976, D.C. Law 1-42, § 3(d), 22 DCR 6313; July 23, 1992, D.C. Law 9-134, § 112(g), 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 113(d), 39 DCR 4895; Sept. 10, 1992, D.C. Law 9-145, § 113(d), 39 DCR 4895.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1532.

1973 Ed., § 43-1523.

Legislative History of Laws

For legislative history of D.C. Law 9-134, see Historical and Statutory Notes following § 34-2413.08.

For legislative history of D.C. Law 9-145, see Historical and Statutory Notes following § 34-2413.08.

§ 34-2401.14. PAYMENT OF WATER RENTS FROM WASHINGTON AQUEDUCT INTO GENERAL FUND.

All water rents derived from the Washington Aqueduct shall be paid into the General Fund of the District of Columbia as established by the Revenue Funds Availability Act of 1975.

(R.S., D.C., § 217; Jan. 22, 1976, D.C. Law 1-42, § 3(e), 22 DCR 6313.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1533.

1973 Ed., § 43-1524.

Legislative History of Laws

For legislative history of D.C. Law 1-42, see Historical and Statutory Notes following § 34-2401.13.

§ 34-2401.15. WATER NOT TO BE DIVERTED BEYOND DISTRICT.

Except as provided in §§ 34-2401.16 and 34-2401.17 no portion of the water conveyed or to be conveyed through or by means of the Washington Aqueduct, or any appurtenance thereof, shall be diverted to the supply or use of any building, premises or establishment located outside of the limits of the District of Columbia.

(Mar. 3, 1893, 27 Stat. 544, ch. 199.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1538.

1973 Ed., § 43-1529.

§ 34-2401.16. DELIVERY OF WATER--NEARBY MARYLAND; CONTRACT.

For the protection of the health of the residents of the District of Columbia and the employees of the United States government residing in Maryland near the District of Columbia boundary, the Mayor of the District of Columbia, upon the request of the Washington Suburban Sanitary Commission, a body corporate, established by Chapter 313 of the Acts of 1916 of the State of Maryland, or upon the request of its legally appointed successor, is authorized to deliver water from the water supply system of the District of Columbia to said Washington Suburban Sanitary Commission or its successor for distribution to territory in Maryland within the Washington Suburban Sanitary District as designated in the aforesaid act, or any amendment thereto, and to connect District of Columbia water mains with water mains in the state of Maryland at such points at or near the District of Columbia line as may be agreed upon from time to time by the Mayor of the District of Columbia and the Washington Suburban Sanitary Commission, under the conditions hereinafter named, namely:

(1) That before such connections shall be made the said Washington Suburban Sanitary Commission or its legally appointed successor shall secure authority from the legislature of the State of Maryland to enter into an agreement with the said Mayor of the District of Columbia outlining the conditions under which the service is to be rendered.

(2) The agreement between the Mayor of the District of Columbia and the said Washington Suburban Sanitary Commission or its legally appointed successor shall provide, among other things:

(A) That the meters on each of said connections shall be located within the District of Columbia and shall remain under the jurisdiction of the Mayor of the District of Columbia;

(B) The rates at which water will be furnished, said rates to be based on the actual cost to the United States and the District of Columbia of delivering water to the points designated above, including an interest charge at 4% per annum and the cost of any payment required by § 113 of the Omnibus Budget Support Act of 1992 and a suitable allowance for depreciation;

(C) That payments for water so furnished shall be made through the Collector of Taxes of the District of Columbia at such times as the Mayor of the District of Columbia may direct, said payments to be deposited in the Treasury of the United States as other water rents collected in the District of Columbia are deposited;

(D) That at no time shall the amount of water furnished the said Washington Suburban Sanitary Commission or its successor exceed the amount that can be spared without jeopardizing the interests of the United States or of the District of Columbia;

(E) That the Mayor of the District of Columbia shall have at all times the right to investigate the distribution system in Maryland, and if, in his opinion, there is a wastage of water he shall have the right to curtail the supply to said sanitary district to the amount of such wastage.

(Mar. 3, 1917, 39 Stat. 1043, ch. 160; June 30, 1930, 46 Stat. 838, ch. 764; Apr. 14, 1932, 47 Stat. 79, ch. 100; July 23, 1992, D.C. Law 9-134, § 112(f), 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 113(c), 39 DCR 4895.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1539.

1973 Ed., § 43-1530.

Legislative History of Laws

For legislative history of D.C. Law 9-134, see Historical and Statutory Notes following § 34-2413.08.

For legislative history of D.C. Law 9-145, see Historical and Statutory Notes following § 34-2413.08.

References in Text

The "Omnibus Budget Support Act of 1992," referred to in (2)(B), is D.C. Law 9- 145.

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, § 1-2.9711), 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

Restriction on use of funds: Section 136 of Pub. L. 102-382, 106 Stat. 1435, the District of Columbia Appropriations Act, 1993, provided that none of the funds made available in this Act may be used by the District of Columbia to impose, implement, collect, administer, transfer, or enforce a payment in lieu of taxes on the Water and Sewer Utility Administration that would increase payments required of suburban jurisdictions in Maryland or Virginia under the Blue Plains Intermunicipal Agreement of 1985.

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.

§ 34-2401.17. DELIVERY OF WATER--ARLINGTON COUNTY, VIRGINIA.

The Secretary of the Army is hereby authorized, in his discretion and subject to the approval of the Chief of Engineers, upon the request of the board of supervisors of Arlington County, Virginia, to permit the delivery of water from the federal water supply pumping station at the Dalecarlia Reservoir to the Arlington County sanitary district, created by an act of the General Assembly of the State of Virginia, of March 15, 1922, and to connect the force main of said pumping station with the water main in Arlington County at the southerly end of the Chain Bridge; provided, that all expenses of installing said connection and its appurtenances and any subsequent changes therein shall be borne by said Arlington County, which shall pay such charges for the use of such water as may be determined from time to time in advance by the Secretary of the Army, the payments to be made at such time and under such regulations as the Secretary of the Army may prescribe, all payments for the use of water to be deposited in the Treasury of the United States as other water rents collected in the District of Columbia are deposited; and provided further, that the Secretary of the Army may revoke at any time any permit for the use of said water that may have been granted.

(Apr. 14, 1926, 44 Stat. 251, ch. 140, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1540.

1973 Ed., § 43-1531.

Miscellaneous Notes

Restriction on use of funds: Section 136 of Pub. L. 102-382, 106 Stat. 1435, the District of Columbia Appropriations Act, 1993, provided that none of the funds made available in this Act may be used by the District of Columbia to impose, implement, collect, administer, transfer, or enforce a payment in lieu of taxes on the Water and Sewer Utility Administration that would increase payments required of suburban jurisdictions in Maryland or Virginia under the Blue Plains Intermunicipal Agreement of 1985.

§ 34-2401.18. "MAYOR," "DISTRICT OF COLUMBIA WATER SYSTEM" DEFINED.

As used in § 34-2401.17, unless the context otherwise requires:

- (1) "Mayor" means the Mayor of the District of Columbia.
- (2) "District of Columbia water system" or "water system" means any and all of the facilities used or to be used for the supply of raw or partly purified water wherever situated and all of the facilities used or to be used for the distribution of purified water situated within the District of Columbia which are operated by the Department of Environmental Services or the Washington Aqueduct Division of the Washington District of the Corps of Engineers, Department of the Army, or both.

(June 2, 1950, 64 Stat. 195, ch. 218, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1551.

1973 Ed., § 43-1539.

References in Text

Section 43-1540, referred to in the introductory language of this section, was repealed by the Act of December 24, 1974, 87 Stat. 832, Pub. L. 93-198, § 243(b).

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.

Transfer of Functions

The functions of the Department of Environmental Services were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

§ 34-2401.19. ACQUISITION OF LAND AND RIGHT-OF-WAY FOR PIPELINES.

The Secretary of the Army is hereby authorized to acquire by purchase or condemnation all necessary lands, easements, and rights-of-way for pipelines within the District of Columbia to connect the force main of said pumping station with the water main in Arlington County as herein authorized.

(Apr. 14, 1926, 44 Stat. 252, ch. 140, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1544.

1973 Ed., § 43-1532.

§ 34-2401.20. UNLAWFUL TAPPING OF WATER PIPE; PENALTY.

The unlawful tapping of any water pipe laid down in the District by authority of the United States is a misdemeanor and an indictable offense; and any person convicted of such offense in the criminal court of the District shall be subject to a fine not exceeding \$500, or to imprisonment for a term not exceeding 1 year.

(R.S., D.C., § 218.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1546.

1973 Ed., § 43-1534.

§ 34-2401.21. NOTIFICATION OF VIOLATIONS.

It is the special duty of the Chief of Engineers to bring to the notice of the United States Attorney for the District of Columbia, or to the grand jury, any infraction of § 34-2401.20.

(R.S., D.C., § 219.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1547.

1973 Ed., § 43-1535.

§ 34-2401.22. PENALTY FOR DAMAGING OR DEFACING WATER PIPES.

Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of the District of Columbia, shall be punishable by imprisonment in the District jail for not more than 2 years.

(R.S., D.C., § 220; Feb. 25, 1885, 23 Stat. 319, ch. 145.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1548.

1973 Ed., § 43-1536.

§ 34-2401.23. MAIN PIPES; LAYING FOR USE OF PUBLIC BUILDINGS.

No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington, must be paid by the District of Columbia, in the manner provided by law.

(R.S., U.S., § 1805; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1549.

1973 Ed., § 43-1537.

§ 34-2401.24. UNAUTHORIZED OPENING OF MAINS OR PIPES.

No person, unless by consent of the Chief of Engineers, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than \$50 nor more than \$500.

(R.S., U.S., § 1803; Feb. 26, 1925, 43 Stat. 983, ch. 339, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1550.

1973 Ed., § 43-1538.

§ 34-2401.25. WATER AND WATER SERVICE SUPPLIED FOR THE USE OF THE GOVERNMENT OF THE UNITED STATES.

(a) All water and water services furnished from the District water supply system through any connection

thereto for direct use by the government of the United States or any department, independent establishment, or agency thereof, situated in the District, except water and water services furnished to the United States for the maintenance, operation, and extension of the water system, shall be paid for at the rates for the furnishing and readiness to furnish water applicable to other water consumers in the District. All water and water services furnished from the District water supply system through any connection thereto for direct use by the government of the United States or any department, independent establishment, or agency thereof, situated outside the District in the States of Maryland or Virginia, except water and water services furnished to the United States for the maintenance, operation, and extension of the water system, shall be paid for at rates comparable to those which may be in effect and charged to state, municipal, or county agencies or other political authorities or jurisdictions within the respective states wherein said federal facilities may be situated for similar water service from the District water supply system; provided, that conditions as to water pressure, quantity, rates of demand, and points of connection available or permissible at any time for service outside the District, if any, shall be fixed by the Mayor of the District of Columbia so as to fully protect the prior interests of water consumers within the District; provided further, that as a condition of service, at each point of federal connection to the water system of the District for service outside the District there shall be installed and maintained at the expense of the department, independent establishment, or agency of the United States which is to use water therefrom a suitable meter or meters and incidental vaults, valves, piping and recording devices, and such other equipment as the Mayor in his discretion deems necessary to control and record the use of water through each such connection. As an additional condition of service, the department, agency, or establishment which is responsible for the maintenance of any such meter shall provide the Mayor (acting through the District of Columbia Water and Sewer Authority) with such access to the meter as the Mayor may require to measure the actual usage of the department, agency, or establishment (including any entity under the jurisdiction of the department, agency, or establishment) for purposes of making the adjustments to annual estimates required under § 34- 2401.25a(1). Payment shall be made as provided in subsection (b) of this section.

(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for water services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, one-fourth (25 percent) of the annual estimate prepared by the District government shall be paid, not later than the second day of each fiscal quarter, to the District government by the Secretary of the Treasury from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made by the Secretary of the Treasury from funds available to the respective user agencies. Payments shall be made to the District government by the Secretary of the Treasury without further justification, and shall be equal to one-fourth (25 percent) of the annual estimate prepared by the District government pursuant to paragraph (2) of this subsection.

(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide the total estimated annual cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a yearly basis shall reflect such adjustments as are necessary to (A) account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th, and (B) reflect changes in rates charged for water and sewer services resulting from public laws or rate covenants pursuant to water and sewer revenue bond sales.

(3) Each Federal department, independent establishment, or agency receiving water services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to one-fourth (25 percent) of the annual estimate for said services as provided for in paragraph (2) of this subsection.

(4) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.

(5) Repealed.

(c) Nothing in this section may be construed to require the District of Columbia to seek payment for water services directly from any Federal entity which is under the jurisdiction of a department, independent establishment, or agency which is required to make a payment for such services under this section, or to allocate any amounts charged for such services among the entities which are under the jurisdiction of any such department, independent establishment, or agency. Each Federal department, independent establishment, and agency receiving water from the District of Columbia shall be responsible for allocating billings for such services among entities under the jurisdiction of the department, establishment, or agency,

and shall be responsible for collecting amounts from such entities for any payments made to the District of Columbia under this section.

(d) In the case of water services provided to a department, independent establishment, or agency in Virginia through the Federally owned water main system, if the total of the metered amounts billed for all individual users of the system (as measured by the meters for each individual user) is less than the total amount as measured by the meters at the delivery points into the system at the Francis Scott Key Bridge, the District government shall collect, and the Secretary of Defense shall pay, the difference to the District government in accordance with the requirements for collecting and making payments under this section.

(May 18, 1954, 68 Stat. 102, ch. 218, title I, § 106; Sept. 30, 1966, 80 Stat. 857, Pub. L. 89-610, title V, § 503; Oct. 6, 1977, 91 Stat. 1093, Pub. L. 95-122, § 1(1); Nov. 21, 1989, 103 Stat. 1280, Pub. L. 101-168, § 133(b); Dec. 21, 2000, 114 Stat. 2763, Pub. L. 106-554, § 1(a)(4), H.R. 5666, Div. A., Ch. 4, § 401(a); Dec. 21, 2001, 115 Stat. 942 to 944, Pub. L. 107-96, par. 52(a)(2), (b)(1), (c)(2); Oct. 18, 2004, 118 Stat. 1348, Pub. L. 108-335, § 337(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1552.

1973 Ed., § 43-1541.

Effect of Amendments

Pub. L. 107-96, in subsec. (a), inserted the second to the last sentence relating to access to meters; in subsec. (b), par. (2), inserted "the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,"; added subsec. (c) relating to payment for sanitary sewer services; and added subsec. (d) relating to water services.

Pub. L. 108-335, in subsec. (b), repealed par. (5) which had read as follows:

"(5) Not later than the 15th day of the month following each quarter (beginning with the first quarter of fiscal year 2001), the inspector general of each Federal department, establishment, or agency receiving water services from the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency."

Effective Dates

Pub. L. 107-96, 115 Stat. 944, the District of Columbia Appropriations Act, 2002, provides in part:

"This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year."

Section 337(c) of Pub. L. 108-335 provides:

"(c) The amendments made by this section shall apply with respect to quarters occurring during fiscal year 2005 and each succeeding fiscal year."

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

Apportionment of appropriations: Section 133 of Pub. L. 101-518, 104 Stat. 2237, the District of Columbia Appropriations Act, 1991, amended section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, by striking "December 31, 1990" and inserting "December 31, 1991."

Section 129 of Pub. L. 102-111, 105 Stat. 570, the District of Columbia Appropriations Act, 1992, amended section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, by striking "December 31, 1991" and inserting "December 31, 1992."

Section 130 of Pub. L. 102-382, 106 Stat. 1434, the District of Columbia Appropriations Act, 1993, amended section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, by striking "December 31, 1992" and inserting "December 31, 1993."

Public Law 102-382, 106 Stat. 1429, the District of Columbia Appropriations Act, 1993, provided for the Water and Sewer Enterprise Fund, \$251,630,000, of which \$39,602,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

Section 134 of § 1(c) of Pub. L. 100-202, the District of Columbia Appropriations Act, 1988, provided that none of the funds available to the District of Columbia government shall be used for any purpose involved in billing individual agencies or establishments for water and water services and sanitary sewer services traditionally funded under the account "Federal Payment for Water and Sewer Services" unless and until existing statutes (sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, Public Law 364, approved May 18, 1954) are amended to specifically provide for such billing.

Section 128 of Pub. L. 103-127, 107 Stat. 1347, the District of Columbia Appropriations Act, 1994, amended section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, by substituting "December 31, 1994" for "December 31, 1993."

Apportionment of appropriations: For construction projects, \$45,908,000, as authorized by § 43-1512 et seq. [§ 34-2405.01 et seq., 2001 Ed.]: Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: Provided further, That \$22,705,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

Section 128 of Pub. L. 103-334, 108 Stat. 2576, the District of Columbia Appropriations Act, 1995, amended section 133(e) of the District of Columbia Appropriations Act, 1990, by striking "shall take effect" and all that follows and inserting "shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990." Thus, as of September 30, 1994, section 133(e) of the District of Columbia Appropriations Act, 1990, has read as follows: "The amendments made by this section shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990." Section 133(e) controls the effectiveness of this section.

Section 401(c) of Chapter 4 of Division A of H.R. 5666, as enacted by reference by section 1(a)(4) of Pub. L. 106-554, stated that "The amendments made by this section shall take effect as if included in the enactment of section 133 of the District of Columbia Appropriations Act, 1990."

§ 34-2401.25A. PERMITTING AUTHORITY TO INSTALL METERS.

If a department, independent establishment, or agency of the United States which uses water and water services from the District of Columbia water supply system has not installed a suitable meter at each point of Federal connection to the system to control and record the use of water through each such connection (as required under § 34-2401.25(a)) as of the expiration of the 60-day period which begins on December 21, 2001:

- (1) The District of Columbia Water and Sewer Authority shall install such a meter or meters (and incidental vaults, valves, piping and recording devices, and such other equipment as the Authority deems necessary) not later than 60 days after the expiration of such period; and
- (2) The department, independent establishment, or agency shall pay the Authority promptly (but in no case later than 30 days after the Authority submits a bill) for the costs incurred in installing the meter and equipment.

(Dec. 21, 2001, 115 Stat. 943, Pub. L. 107-96, par. (52)(b)(2).)

HISTORICAL AND STATUTORY NOTES

Effective Dates

Pub. L. 107-96, 115 Stat. 944, the District of Columbia Appropriations Act, 2002, provides in part:

"This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year."

§ 34-2401.26. CONTRACT AUTHORITY OF MAYOR REGARDING COSTS OF POTOMAC RIVER RESERVOIR; CONTRACT PAYMENTS; APPROPRIATIONS.

(a) The Mayor is authorized to contract with the United States, any state in the Potomac River basin, any agency or political subdivision thereof, and any other competent state or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the

District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(Mar. 24, 1972, 86 Stat. 113, Pub. L. 92-263, § 1-3; Dec. 24, 1973, 87 Stat. 808, Pub. L. 93-198, title IV, § 488.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1553.

1973 Ed., §§ 43-1542, 43-1542a.

References in Text

"This Act," referred to in subsection (b) of this section, is the District of Columbia Home Rule Act.

Editor's Notes

This section is also codified at § 1-204.88.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. 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

Definitions applicable: The definitions in § 1-201.03 apply to this section.

§ 34-2401.27. ACQUISITION OF LAND FOR WASHINGTON AQUEDUCT.

Appropriations are hereby authorized for the acquisition, by gift, dedication, exchange, purchase, or condemnation, of land or rights in or on land or easements therein for the Washington Aqueduct by the Chief of Engineers, Corps of Engineers, United States Army, or his designated agents.

(Oct. 26, 1973, 87 Stat. 507, Pub. L. 93-140, § 18.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1554.

1973 Ed., § 43-1543.

SUBCHAPTER II. PREVENTION OF WATER WASTE; WATER USE BY MANUFACTURERS.

§ 34-2403.01. PREVENTION OF WATER WASTE.

In order to prevent unnecessary waste of Potomac water, and in order to more fully enforce the laws in relation to the distribution of the same, the Chief of Engineers is authorized, after giving notice, to shut off the water when such notice shall be disregarded from any places where a waste of water is occurring.

(R.S., D.C., § 214.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1509.

§ 34-2403.02. USE OF POTOMAC WATER FOR MECHANICAL AND MANUFACTURING PURPOSES.

The use of Potomac water for mechanical and manufacturing purposes, or for private fountains, street and pavement washers, shall be allowed only when, in the opinion of the Chief of Engineers, it will not be detrimental to the general distribution of water in the District of Columbia.

(R.S., D.C., § 215; Feb. 25, 1885, 23 Stat. 319, ch. 145.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1510.

1973 Ed., § 43-1508.

§ 34-2403.03. LARGE-QUANTITY CONSUMERS TO MAINTAIN WATER METERS.

(a) The supply of water to all manufacturing establishments, hotels, livery stables, and other commercial buildings, shall be determined by meters erected and maintained at the expense of the consumer.

(b) The bill for water meter service, including a charge for any repair made by the District, shall be due and payable when rendered. The Mayor shall impose a one-time charge of 10% for any water meter service charge that remains unpaid for more than 30 days and a penalty of 1% per month compounded monthly for any water meter repair service that remains unpaid for more than 60 days from the date the bill is rendered.

(c) In accordance with § 34-2407.02, the Mayor shall impose and enforce a continuing lien upon land and land improvements that are furnished water meter services if any charges remain unpaid for more than 60 days from the date the bill for services is rendered.

(d) The Mayor, with prior written notice to the owner of the date and time of entry, and consistent with constitutional guidelines, may enter any building, establishment, or other premises to inspect, install, replace, read, or repair any water meter required to be installed pursuant to the Public Works Act. If the Mayor is unable to gain entry to the real property after 2 attempts, the Mayor shall notify the owner or occupant to contact the Department within 3 business days after notice is mailed to the owner. If the owner or occupant fails to contact the Department, it shall be presumed that the owner refuses to permit entry to the property and the Mayor may impose a penalty of \$100 and shut off the water supply to the real property. Upon the payment of the penalty or issuance of a final decision where the owner files a request for administrative review, the Mayor may restore the water supply.

(R.S., D.C., § 216; June 13, 1990, D.C. Law 8-136, § 4, 37 DCR 2620.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1511.

1973 Ed., § 43-1509.

Legislative History of Laws

Law 8-136, the "District of Columbia Water and Sewer Operations Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-269, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on March 27, 1990, and April 10, 1990, respectively. Signed by the Mayor on April 17, 1990, it was assigned Act No. 8-192 and transmitted to both Houses of Congress for its review.

References in Text

The "Public Works Act," referred to in the first sentence of (d), is 68 Stat. 104, ch. 218.

SUBCHAPTER III. WATER MAINS.

§ 34-2405.01. WATER MAINS AND SERVICE SEWERS ERECTED AT DISCRETION OF MAYOR; COSTS ASSESSED AGAINST ABUTTING

PROPERTY.

The Mayor of the District of Columbia is authorized and directed, whenever in his judgment the same may be necessary for the public safety, health, comfort, or convenience, to construct water mains and service sewers in any street, avenue, road, or alley in the District of Columbia; and the Assessor of said District shall levy assessments for the same against abutting property in the amount and manner hereinafter prescribed.

(Apr. 22, 1904, 33 Stat. 244, ch. 1417, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1512.

1973 Ed., § 43-1510.

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 Assessor abolished: The Office of the Assessor 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 Assessor including the functions of all officers, employees and subordinate agencies were transferred to the Department of General Administration by Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, abolished the Office of the Assessor and transferred the functions to the Finance Office in the Department of General Administration. The same Order provided that an Office of the Assessor would be created in the Finance Office. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, provided that the Finance Office (consisting of the Office of the Finance Officers, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) shall continue under the direction and control of the Director of General Administration, and prescribed the functions thereof. 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. 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. 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. Functions pertaining to centralized accounting as set forth in Commissioner's Order No. 69-96 were transferred to the Director of the Office of Budget and Financial Management by Organization Order No. 30, dated April 5, 1972. The Office of Budget and Financial Management was replaced by Organization Order 50, dated December 31, 1974, which Order established the Office of Budget and Management Systems. The Office of Budget and Management Systems was replaced by Mayor's Order 79-5, dated January 2, 1979, which Order established the Office of Budget and Resource Development.

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 43-1512 through 43-1519; §§ 43-1524, 43-1527 and 43-1654; and §§ 9-219 and 47-3404 [§§ 10-619, 34-2304, 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2408.10; and 47-3404, 2001 Ed.]; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September

30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

Public Law 104-194, 1110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for the Water and Sewer Enterprise Fund, \$221,362,000 from other funds of which \$41,833,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

§ 34-2405.02. ASSESSMENTS FOR WATER MAINS.

For laying or constructing water mains in the District of Columbia assessments shall be levied at the rate of \$3 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a water main shall be laid, and that for laying or constructing service sewers in the District of Columbia assessments shall be levied at the rate of \$4 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a sewer shall be laid; provided, that assessments for water mains and service sewers in the case of lots or parcels of land not more than 100 feet in depth shall be levied upon the fronts or rears of such lots or parcels of land, and not upon both the fronts and rears of such lots or parcels of land; but lots or parcels of land more than 100 feet in depth, except corner lots, shall be assessed upon both their fronts and rears when water mains or service sewers are laid abutting the same; provided, that corner lots shall be assessed for water mains and service sewers only on their short fronts with a depth of not exceeding 100 feet; any excess of the other front over 100 feet shall be subject to assessment, as hereinbefore provided; provided, that the areas of all lots or parcels of land which have been assessed for water mains by the square foot under any previous act of Congress, or of the late legislative assembly of the District of Columbia, shall not be again assessed for water mains; provided further, that when the Mayor of the District of Columbia shall deem it advantageous to lay water mains or service sewers on each side of any street, avenue, road, or alley assessments shall be levied at the rate, within the time and in the manner in this section provided for, against the lots abutting the side of the street, avenue, road, or alley in which the water main or service sewer is laid.

(Aug. 11, 1894, 28 Stat. 275, ch. 253; Apr. 22, 1904, 33 Stat. 244, ch. 1417, § 2; Dec. 22, 1927, 45 Stat. 11, ch. 5; July 3, 1930, 46 Stat. 989, ch. 848, § 1; June 4, 1934, 48 Stat. 876, ch. 389, § 1; July 16, 1947, 61 Stat. 360, ch. 258; May 18, 1954, 68 Stat. 109, ch. 218, title III, §§ 301, 302.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1513.

1973 Ed., § 43-1511.

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.

§ 34-2405.03. NOTICE OF ASSESSMENTS.

The Assessor of the District of Columbia shall give notices as herein provided of the levying of assessments for water mains and service sewers. Assessments shall be levied within 60 days after the completion of the main or service sewer, and the owner or owners affected by such assessments shall be notified that the same have been levied by a notice which shall be served upon the owner of the lot or parcel of land if he or she be a resident of the District of Columbia, and his or her residence be known. If the owner be a nonresident or his or her residence be unknown, the notice shall be served on his or her agent or tenant. The service of such notice, where the owner or his or her agent or tenant resides in the District of Columbia, shall be personal or by leaving the same with some person of suitable age, either a member of his family or in his employ, at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing under oath and filed in the office of the Assessor of the District of Columbia. If there be no agent or tenant known to said Assessor, and the owner or owners be not residents of the District of Columbia, or if the owner be a resident of the District of Columbia and cannot be found therein, and no person of suitable age as

aforesaid can be found at his or her residence or place of business, notice shall be given by advertisement once a week for 3 successive weeks in some daily newspaper published in said District, and in said publication of said notice each several piece of property shall be described in a separate paragraph, and the cost of such advertisement shall be added to the amount of said assessment and collected in the same manner that said assessment is collected.

(Apr. 22, 1904, 33 Stat. 245, ch. 1417, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1514.

1973 Ed., § 43-1512.

Miscellaneous Notes

Office of Assessor abolished: The Office of the Assessor 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 Assessor including the functions of all officers, employees and subordinate agencies were transferred to the Department of General Administration by Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, abolished the Office of the Assessor and transferred the functions to the Finance Office in the Department of General Administration. The same order provided that an Office of the Assessor would be created in the Finance Office. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, provided that the Finance Office (consisting of the Office of the Finance Officers, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) shall continue under the direction and control of the Director of General Administration, and prescribed the functions thereof. 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. 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. 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. Functions pertaining to centralized accounting as set forth in Commissioner's Order No. 69-96 were transferred to the Director of the Office of Budget and Financial Management by Organization Order No. 30, dated April 5, 1972. The Office of Budget and Financial Management was replaced by Organization Order 50, dated December 31, 1974, which Order established the Office of Budget and Management Systems. The Office of Budget and Management Systems was replaced by Mayor's Order 79-5, dated January 2, 1979, which Order established the Office of Budget and Resource Development.

§ 34-2405.04. WATER MAIN AND SERVICE SEWER ASSESSMENTS PAYABLE IN THREE INSTALLMENTS.

Assessments for water mains and service sewers shall be payable in 3 equal installments, the 1st of which shall be due and payable without interest within 30 days from date of service of notice or of the last publication of notice as the case may be, the second within 1 year, and the third within 2 years from the date of assessment, and interest at the rate of 6% per annum shall be charged on all amounts which shall remain unpaid at the expiration of 30 days from the date of service of notice or last publication as the case may be; but the owner of the property assessed may, at his option, at any time after the levying of such assessment, pay the same in full; provided, that if any installment of any assessment for water main or service sewer levied under the provisions of this subchapter shall not be paid when due and payable the property against which said assessment was levied may be sold for said delinquent installment at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if said installment shall not have been paid prior to said sale.

(Apr. 22, 1904, 33 Stat. 245, ch. 1417, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1515.

1973 Ed., § 43-1513.

§ 34-2405.05. ASSESSMENT OF PROPERTY IN COUNTY OF WASHINGTON FOR WATER MAINS AND SERVICE SEWERS.

Property in the County of Washington, not subdivided into blocks or lots, or both, shall not be assessed for

water mains or service sewers until subdivided; provided, that where houses are built on any unsubdivided land and connection is made with a water main or service sewer, assessment shall be made as herein provided for in the case of subdivided property by assessing a frontage of 50 feet on each side of said connection with a depth of 100 feet, except that no double assessment shall be levied; said assessment to be levied within 60 days after said connection is made; and if such unsubdivided land is thereafter subdivided into blocks or lots, such lots shall be assessed as herein provided as to subdivided lands, but the 50 feet on each side of said connection, with a depth of 100 feet, shall not be again assessed; provided further, that assessments at the rate and in the manner herein provided for shall be levied against each lot or parcel of land abutting any water main or service sewer in all subdivisions of land, within 60 days after the recording of such subdivision in the office of the Surveyor of the District of Columbia, except in cases where said lots or parcels of land have been previously assessed for the same main or service sewer.

(Apr. 22, 1904, 33 Stat. 246, ch. 1417, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1516.

1973 Ed., § 43-1514.

§ 34-2405.06. RELEVYING ASSESSMENTS WHEN ASSESSMENTS DECLARED VOID.

The Assessor of the District of Columbia is hereby authorized and directed in cases where water-main assessments, or assessments for service sewers, may be quashed, canceled, set aside, or declared void by the Superior Court of the District of Columbia, or may otherwise be canceled or set aside, by reason of an imperfect or erroneous description of the lot or parcel of ground against which the same shall have been levied, by reason of such tax or assessment not having been authenticated by the proper officer or by reason of a defective return of service of notice, or for any technical reason other than the right of the authorities of the District of Columbia to levy assessment or lay the main or service sewer in respect of which assessment was levied, to relevy such assessment at the rate and in the manner provided for in this subchapter; provided, that such reassessment shall be made within 60 days from date of such cancellation.

(Apr. 22, 1904, 33 Stat. 246, ch. 1417, § 7; 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. 588, Pub. L. 91-358, title I, § 168(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1517.

1973 Ed., § 43-1515.

Miscellaneous Notes

Office of Assessor abolished: The Office of the Assessor 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 Assessor including the functions of all officers, employees and subordinate agencies were transferred to the Department of General Administration by Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, abolished the Office of the Assessor and transferred the functions to the Finance Office in the Department of General Administration. The same order provided that an Office of the Assessor would be created in the Finance Office. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, provided that the Finance Office (consisting of the Office of the Finance Officers, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) shall continue under the direction and control of the Director of General Administration, and prescribed the functions thereof. 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. 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. 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. Functions pertaining to centralized accounting as set forth in Commissioner's Order No. 69-96 were transferred to the Director of the Office of Budget and Financial Management by Organization Order No. 30, dated April 5, 1972. The Office of Budget and Financial Management was replaced by Organization Order No. 50, dated December 31, 1974, which Order established the Office of Budget and

Management Systems. The Office of Budget and Management Systems was replaced by Mayor's Order 79-5, dated January 2, 1979, which Order established the Office of Budget and Resource Development.

§ 34-2405.07. DISPOSAL OF FUNDS RECEIVED BY COLLECTOR OF TAXES.

All sums received by the Collector of Taxes under the provisions of this subchapter on account of assessments levied for the construction of service sewers shall be credited to the appropriation under which the sewer was constructed for the fiscal year in which such sums shall be received.

(Apr. 22, 1904, 33 Stat. 246, ch. 1417, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1518.

1973 Ed., § 43-1516.

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.

§ 34-2405.08. "SERVICE SEWER" DEFINED.

A service sewer within the meaning of the provisions of this subchapter shall be a sewer with which connection may be directly made for the purpose of providing sewerage facilities to abutting property, and such sewers shall be so indicated on the records of the Sewer Division of the Engineer Department of the District of Columbia.

(Apr. 22, 1904, 33 Stat. 246, ch. 1417, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1519.

1973 Ed., § 43-1517.

Transfer of Functions

Reorganization Order No. 28 of the Board of Commissioners, dated April 3, 1953, now redesignated Organization Order No. 147, dated August 19, 1965, established a Department of Sanitary Engineering headed by a Director. The Department performed sanitary engineering services and operations for the District including water distribution, sanitary, storm, and combined sewer systems, sewage treatment, and collection and disposal of waste material. The Office of the Water Registrar and the previously existing Department of Sanitary Engineering (which included the Sewer Division, Water Division, Sanitation Division, and the Sewage Treatment Plant) were abolished and their functions transferred to this Department. The Orders were issued pursuant to Reorganization Plan No. 5 of 1952. Functions of the Department of Sanitary Engineering as set forth in Organization Order No. 147, as amended, were transferred to the Department of Environmental Services by Commissioner's Order No. 71-255, dated July 27, 1971.

SUBCHAPTER IV. DISCONTINUANCE OF SERVICE.

§ 34-2407.01. DISCONTINUANCE OF WATER SERVICE FOR FAILURE TO PAY WATER CHARGES.

(a) The Mayor of the District of Columbia is authorized to provide for the collection of water charges, in advance or otherwise, from the owner or occupant of any building, establishment, or other place furnished water or water service by the District, and to shut off the water supply to any such building, establishment, or other place upon failure of the owner or occupant thereof to pay such water charges within 30 days from the date of rendition of the bill therefor. Such authority to shut off the water supply may be exercised by the Mayor regardless of any change in ownership or occupancy of such building, establishment, or other place. When the water supply to any such building, establishment, or other place has been shut off for failure to pay such water charges, whether the water supply to such building, establishment, or other place was shut off before or after May 18, 1954, the Mayor shall not again supply such building, establishment, or other place with water until all arrears of water charges, together with penalties and the costs actually incurred in shutting off and restoring the water supply, are paid.

(b) If the water supply to any property has been shut off for failure to pay District water and sanitary sewer service charges, and later restored without the express authorization of the Mayor, the Mayor shall impose a fine in an amount not less than 20% of the delinquent charges or more than \$100, whichever is greater, upon the owner or occupant of the property, unless the Mayor determines that the owner or occupant did not restore or solicit a person to restore the water.

(May 18, 1954, 68 Stat. 102, ch. 218, title I, § 103; June 13, 1990, D.C. Law 8-136, § 2(b), 37 DCR 2620; Nov. 25, 1993, D.C. Law 10-65, § 501(a), 40 DCR 7351.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1528.

1973 Ed., § 43-1521b.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of D.C. Water and Sewer Operations Temporary Amendment Act of 1993(D.C. Law 10-3, May 18, 1993, law notification 42 DCR 3404).

Legislative History of Laws

For legislative history of D.C. Law 8-136, see Historical and Statutory Notes following § 34-2403.03.

Law 10-65, the "Omnibus Spending Reduction Act of 1993," was introduced in Council and assigned Bill No. 10-323, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on July 21, 1993, and September 21, 1993, respectively. Signed by the Mayor on October 6, 1993, it was assigned Act No. 10-120 and transmitted to both Houses of Congress for its review. D.C. Law 10-65 became effective on November 25, 1993.

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

Mayor authorized to issue rules: See Historical and Statutory Notes following § 34-2409.04.

§ 34-2407.02. LIEN FOR WATER CHARGES.

(a)(1) Except as provided in subsections (c) and (d) of this section, if an owner of real property fails to pay District water and sanitary sewer service charges in full accordance with § 34-2407.01, for all bills rendered which remain unsatisfied for 60 days or more the Mayor may file a certificate of delinquency with the Recorder of Deeds.

(2) Upon filing, the certificate of delinquency shall constitute a continuing lien against the real property and show the amount of unpaid charges for District water and sanitary sewer services. The continuing lien shall be for the current full amount of the unpaid water and sanitary sewer service charges, penalties, interest, and administrative costs.

(3) The Mayor may enforce the lien if any water and sanitary sewer service charges remain unpaid for more than 180 days from the date the bill is rendered or for more than 15 days after a final decision of an appeal challenging the bill, whichever is later in the same manner that real property tax liens are enforced pursuant to Chapter 13 and Subchapter IV of Chapter 13A of Title 47.

(4) The real property may be sold for the unpaid water and sanitary sewer charges, penalties, interest and administrative costs at a tax sale in accordance with the provisions for the sale of property for delinquent real property taxes pursuant to Chapter 13 of Title 47.

(5) If any real property sold for unpaid water and sanitary sewer service charges is not redeemed by the owner within 180 days from the date of sale, including payment of 2% interest for each month until the property is redeemed, the Mayor shall furnish a deed to the purchaser or holder of the certificate of sale in accordance with § 47-1304.

(6) Proceeds from the sale that represent unpaid water charges shall be credited to the Water and Sewer Enterprise Fund of the District of Columbia as established by § 47-375(g).

(b) A lien for water and sanitary sewer charges shall have priority over any other lien, except a lien for District taxes. The lien for water and sanitary sewer service charges shall remain in effect until the charges set forth in the certificate and any accrued additional charges, interest, penalties, and administrative costs are paid in full. Upon final payment of any delinquent charges, penalties, interest, and administrative costs, the Mayor shall file promptly a certificate of satisfaction with the Recorder of Deeds.

(c) The Mayor may defer or forgive, in whole or in part, any water and sanitary sewer service charges due the District for any qualified real property pursuant to § 6-1503.

(d) The Mayor shall not sell the residence of an owner who occupies a single family home for failure to pay District water and sanitary sewer charges in accordance with subsection (a) of this section.

(May 18, 1954, 68 Stat. 102, ch. 218, title I, § 104; Oct. 20, 1988, D.C. Law 7-177, § 9(a), 35 DCR 6158; June 13, 1990, D.C. Law 8-136, § 2(c), 37 DCR 2620; Apr. 9, 1997, D.C. Law 11-198, § 203, 43 DCR 4569; June 9, 2001, D.C. Law 13-305, § 508(d), 48 DCR 334; Mar. 30, 2004, D.C. Law 15- 132, § 2, 51 DCR 1804.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1529.

1973 Ed., § 43-1521c.

Effect of Amendments

D.C. Law 13-305 rewrote subsec. (a) which had read:

"(a) Except as provided in subsections (c) and (d) of this section, if an owner of real property fails to pay District water and sanitary sewer service charges in full in accordance with § 34-2407.01 or 34-2413.10, on or after the 60th day, but not later than the 120th day, after the bill is rendered, the Mayor shall file a certificate of delinquency with the Recorder of Deeds. Upon filing, the certificate of delinquency shall constitute a continuing lien against the real property and show the amount of unpaid charges for District water and sanitary sewer services. The Mayor shall enforce the lien if any water and sanitary sewer service charges remain unpaid for more than 180 days from the date the bill is rendered or for more than 15 days after a final decision of an appeal challenging the bill, whichever is later. The real property shall be sold for the unpaid water and sanitary sewer service charges, penalties, interest, and administrative costs at the next tax sale conducted pursuant to § 47-1301, in accordance with the provisions for the sale of property for delinquent real property taxes pursuant to Chapter 13 of Title 47. If any real property sold for unpaid water and sanitary sewer service charges is not redeemed by the owner within 180 days from the date of sale, including payment of 2% interest for each month until the property is redeemed, the Mayor shall furnish a deed to the purchaser or holder of the certificate of sale in accordance with § 47-1304. Proceeds from the sale that represent unpaid water charges shall be credited to the Water and Sewer Enterprise Fund of the District of Columbia as established by § 47-375(g)."

D.C. Law 15-132 rewrote subsec. (a) which had read:

"(a) Except as provided in subsections (c) and (d) of this section, if an owner of real property fails to pay District water and sanitary sewer service charges in full in accordance with § 34-2407.01 on or before the 60th day, but not later than the 120th day, after the bill is rendered, the Mayor shall file a certificate of delinquency with the Recorder of Deeds. Upon filing, the certificate of delinquency shall constitute a continuing lien against the real property (including a lien for purposes of § 47-1340(c)) and show the amount of unpaid charges for District water and sanitary sewer services. The Mayor may enforce the lien, plus penalties, interest, and administrative costs, in accordance with the provisions for the sale of property for delinquent real

property taxes under Chapter 13A of Title 47 if any water and sanitary sewer service charges remain unpaid upon the later of 181 days after the date the bill is rendered or 16 days after a final decision of an appeal challenging the bill. If an accounting is made in accordance with, and subject to, § 47-1340(f), proceeds from the sale that represent unpaid water charges shall be credited to the Water and Sewer Enterprise Fund of the District of Columbia as established by § 47-375(g)."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 203 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

For temporary (225 day) amendment of section, see § 8(d) of the Real Property Tax Clarity and Litter Control Administration Temporary Amendment Act of 2001 (D.C. Law 14-8, June 13, 2001, law notification 48 DCR 5916).

Emergency Act Amendments

For temporary amendment of section, see § 203 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), § 203 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and § 203 of the Fiscal year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary (90 day) amendment of section, see § 8(d) of Real Property Tax Clarity and Litter Control Administration Emergency Act of 2001 (D.C. Act 14-22, March 16, 2001, 48 DCR 2706).

Legislative History of Laws

Law 7-177 was introduced in Council and assigned Bill No. 7-208, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 28, 1988 and July 12, 1988, respectively. Signed by the Mayor on August 2, 1988, it was assigned Act No. 7-237 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-136, see Historical and Statutory Notes following § 34-2301.

Law 11-198, the "Fiscal Year 1997 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-741, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 19, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 26, 1996, it was assigned Act No. 11-360 and transmitted to both Houses of Congress for its review. D.C. Law 11-198 became effective April 9, 1997.

Law 13-305, the "Tax Clarity Act of 2000," was introduced in Council and assigned Bill No. 13-586, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 2, 2000, and November 8, 2000, respectively. Signed by the Mayor on December 13, 2000, it was assigned Act No. 13-501 and transmitted to both Houses of Congress for its review. D.C. Law 13-305 became effective on June 9, 2001.

Law 15-132, the "Water and Sewer Authority Collections Clarification Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-405, which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 29, 2004, it was assigned Act No. 15-333 and transmitted to both Houses of Congress for its review. D.C. Law 15-132 became effective on March 30, 2004.

Delegation of Authority

Delegation of Authority to the Director of the Department of Housing and Community Development for the Issuance of District of Columbia Water and Sewer Authority ('WASA') Deeds, see Mayor's Order 2008-89, June 23, 2008 (55 DCR 9368).

Miscellaneous Notes

Application of provisions of Law 11-198: Section 1001 of D.C. Law 11-198 provides that titles I, II, III, V, and VI and sections 405 and 406 of the act shall apply after September 30, 1996.

Mayor authorized to issue rules: Section 13 of D.C. Law 7-177 provided that the Mayor shall issue rules to implement the provisions of the act.

§ 34-2407.03. REMEDIES NOT EXCLUSIVE.

The remedies set forth in §§ 34-2407.01, 34-2407.02, and 34-2413.10 are hereby declared to be cumulative and not exclusive.

(May 18, 1954, 68 Stat. 102, ch. 218, title I, § 105.)

Prior Codifications

1981 Ed., § 43-1530.

1973 Ed., § 43-1521d.

SUBCHAPTER V. FIREPLUG TAX.

§ 34-2409.01. LEVY PERMITTED.

To aid in the erection, maintenance, and efficiency of fireplugs, a special annual tax may be levied on all buildings in the City of Washington within 500 feet of any main water pipe, into which, or the premises connected therewith, the water has not been introduced, and the owners or occupants of which do not pay any annual water rate in accordance with law.

(R.S., D.C., § 205; June 17, 1890, 26 Stat. 159, ch. 428.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1534.

1973 Ed., § 43-1525.

§ 34-2409.02. RATES.

The fireplug tax shall be levied with reference to the value of the building so taxed, and shall not be more than \$5 nor less than \$1 per year.

(R.S., D.C., § 206.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1535.

1973 Ed., § 43-1526.

§ 34-2409.03. CESSATION UPON INTRODUCTION OF WATER.

Whenever the water is introduced, in conformity with law, into any building or premises, the fireplug tax thereon shall cease.

(R.S., D.C., § 207.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1536.

1973 Ed., § 43-1527.

§ 34-2409.04. LEVY UPON DISCONTINUANCE OF WATER SERVICE.

Whenever water is discontinued from any building or premises into which it has been introduced, such building shall be subject to the fireplug tax from the date of the discontinuance of the water.

(R.S., D.C., § 208.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1537.

1973 Ed., § 43-1528.

SUBCHAPTER V-A. PRIVATE FIRE HYDRANTS.

§ 34-2410.01. DEFINITIONS.

For the purposes of this subchapter, the term "private fire hydrant" means a hydrant which is not owned by the District of Columbia. The term "private fire hydrant" does not include any private water distribution system connecting the private fire hydrant to the public water system.

(Mar. 31, 2011, D.C. Law 18-337, § 2, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

Section 2 of D.C. Law 18-93 added a section to read as follows:

"Sec. 2. Private fire hydrants.

"As of October 1, 2009, the Mayor and any other District official is prohibited from approving any permit or related plan that authorizes the installation of a private fire hydrant without an agreement, to be recorded in the land records of the Recorder of Deeds, establishing the person or entity responsible for the maintenance, repair, and replacement of the private fire hydrant in perpetuity."

Section 4(b) of D.C. Law 18-93 provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 18-278 added a section to read as follows:

"Sec. 2. Private fire hydrants.

"As of October 1, 2009, the Mayor and any other District official is prohibited from approving any permit or related plan that authorizes the installation of a private fire hydrant without an agreement, to be recorded in the land records of the Recorder of Deeds, establishing the person or entity responsible for the maintenance, repair, and replacement of the private fire hydrant in perpetuity."

Section 4(b) of D.C. Law 18-278 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of Private Fire Hydrant Responsibility Emergency Act of 2009 (D.C. Act 18-197, October 8, 2009, 56 DCR 8130).

For temporary (90 day) addition, see § 2 of Private Fire Hydrant Responsibility Emergency Act of 2010 (D.C. Act 18-511, July 30, 2010, 57 DCR 7592).

For temporary (90 day) addition, see § 2 of Private Fire Hydrant Responsibility Congressional Review Emergency Act of 2010 (D.C. Act 18-581, October 19, 2010, 57 DCR 10116).

Legislative History of Laws

Law 18-337, the "Private Fire Hydrant Act of 2010", was introduced in Council and assigned Bill No. 18-557, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 23, 2010, and December 7, 2010, respectively. Signed by the Mayor on January 12, 2011, it was assigned Act No. 18-681 and transmitted to both Houses of Congress for its review. D.C. Law 18-337 became effective on March 31, 2011.

§ 34-2410.02. PRIVATE FIRE HYDRANTS.

The Mayor shall not approve any permit or related plan that authorizes the installation of a private fire hydrant without an agreement, to be recorded in the land records of the Recorder of Deeds, establishing the entity or person, and successors thereof, responsible for the maintenance, repair, and replacement of the private fire hydrant in perpetuity.

(Mar. 31, 2011, D.C. Law 18-337, § 3, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-337, see notes under § 34-2410.01.

§ 34-2410.03. MAINTENANCE OF PRIVATE FIRE HYDRANTS.

(a) The District of Columbia Water and Sewer Authority shall have a right of access to inspect, maintain, repair, or replace any private fire hydrant, including the connected water distribution system, in the District of Columbia.

(b) If the identified owner of a private fire hydrant fails to effect the maintenance, repair, or replacement as required in the notice provided pursuant to § 34-2410.04(c), the District of Columbia Water and Sewer

Authority may effect such maintenance, repair, or replacement of the private fire hydrant and the connected water distribution system.

(c) The District of Columbia Water and Sewer Authority shall bill the owner of the private fire hydrant for the cost of the maintenance, repair, or replacement. If the owner fails to pay for the repair, the District of Columbia Water and Sewer Authority shall have the authority to obtain and enforce a lien against the owner of the private fire hydrant in accordance with procedures established by § 34-2407.02.

(d) The District of Columbia Water and Sewer Authority shall keep and maintain records of all inspections, maintenance, repair, and replacement of a private fire hydrant and shall make the records available to the owner of the private fire hydrant upon request. The records shall be kept and maintained for not less than 10 years.

(Mar. 31, 2011, D.C. Law 18-337, § 4, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-337, see notes under § 34-2410.01.

§ 34-2410.04. INSPECTION OF PRIVATE FIRE HYDRANTS.

(a) The Mayor and the District of Columbia Water and Sewer Authority shall have a right of access for the inspection of any private fire hydrant in the District of Columbia to determine operational ability and compliance with applicable standards. The Mayor and the District of Columbia Water and Sewer Authority shall designate, through a memorandum of understanding, the agency or authority responsible for the inspection of private fire hydrants ("Inspection Agency"). If such a memorandum of understanding is not executed and in effect, then the Mayor shall be the Inspection Agency for purposes of this subchapter.

(b) The Inspection Agency shall regularly inspect all private fire hydrants in the District of Columbia to determine operational ability and compliance with applicable standards.

(c) Upon determination by the Inspection Agency that a private fire hydrant is in need of maintenance, repair, or replacement, and if ownership has been determined pursuant to § 34-2410.05, the Inspection Agency shall notify:

(1) The Mayor and the District of Columbia Water and Sewer Authority of the status of the private fire hydrant; and

(2) The owner of the private fire hydrant, in writing, of:

(A) The location of the private fire hydrant in need of maintenance, repair, or replacement;

(B) The owner's responsibility with regard to the maintenance, repair and replacement of the private fire hydrant;

(C) The maintenance, repair, and replacement identified as necessary for the private fire hydrant;

(D) The owner's responsibility to effect the maintenance, repair, and replacement identified in the notice within a specified period of time, which shall be not less than 60 days of the date on which notice is provided under this section; and

(E) The right of the District of Columbia Water and Sewer Authority to effect the maintenance, repair and replacement of the private fire hydrant and bill the owner as described in § 34-2410.03.

(d) The Inspection Agency shall keep and maintain records of all inspections made of a private fire hydrant and shall make the records available to the owner of the private fire hydrant upon request. The records shall be kept and maintained for not less than 10 years.

(Mar. 31, 2011, D.C. Law 18-337, § 5, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-337, see notes under § 34-2410.01.

§ 34-2410.05. PRIVATE FIRE HYDRANTS: DETERMINATION OF OWNERSHIP.

(a)(1) The Mayor shall determine the ownership of a private fire hydrant through a title search. The location of a private fire hydrant on the property of a single-family dwelling is insufficient, by itself, for determining ownership under this subsection.

(2) The Mayor shall notify the person identified as the owner of the private fire hydrant, in writing, that

the person has been identified as the owner of the private fire hydrant and, as such, is responsible for the maintenance, repair, and replacement of the private fire hydrant.

(b) If the Mayor is unable to establish ownership of a private fire hydrant under subsection (a) of this section, the District shall be responsible for the maintenance, repair, and replacement of the private fire hydrant.

(c) This section shall not apply to private fire hydrants on the property of non-residential institutions, including colleges and universities, or on the property of the federal government or a foreign government.

(Mar. 31, 2011, D.C. Law 18-337, § 6, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-337, see notes under § 34-2410.01.

§ 34-2410.06. LIMITATIONS ON RESPONSIBILITY FOR MAINTENANCE, REPAIR, AND REPLACEMENT OF PRIVATE FIRE HYDRANTS.

(a) This subchapter establishes responsibility for the maintenance, repair, and replacement of private fire hydrants that had been permitted prior to October 8, 2009. If this responsibility belongs to the District government, pursuant to this subchapter, the cost to effect the maintenance, repair, or replacement of a the fire hydrant shall be subject to the availability of appropriations.

(b) The responsibility for conducting and notifying owners of the results of a title search, and the inspection, of the private fire hydrants as required by this subchapter, shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

(Mar. 31, 2011, D.C. Law 18-337, § 7, 58 DCR 609.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-337, see notes under § 34-2410.01.

Miscellaneous Notes

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-337 has not been included in an approved budget and financial plan as required by subsection (b) of this section. That determination, however, does not affect the codification of this section.

SUBCHAPTER VI. DELIVERY OF WATER.

§ 34-2411.01. DELIVERY OF WATER--FALLS CHURCH, VIRGINIA, AND ADJACENT AREAS; INSTALLATION EXPENSES; PAYMENTS; REVOCATION OF PERMIT.

The Secretary of the Army, on the recommendation of the Chief of Engineers, United States Army, and the Mayor of the District of Columbia, is hereby authorized in his discretion, upon request of the City Council of the City of Falls Church, Fairfax County, Virginia, or any other competent state or local authority in the Washington metropolitan area in Virginia, to permit the delivery of water from the District of Columbia water system at the Dalecarlia Filtration Plant, or at other points on said water system to the Falls Church water system for the purpose of supplying water for the use of said City and such adjacent areas as are now or shall hereafter be served by the water system of said City; or to any other competent state or local authority in said metropolitan area in Virginia. The Secretary of the Army is hereby further authorized, in his discretion and upon the recommendation of the Chief of Engineers, and said Mayor, to permit the delivery of such water through the water mains of Arlington County by a connection to Arlington mains at the southerly end of Chain Bridge, or to make connections with the Arlington County water system at 1 or more points along the boundary line of Arlington County; provided, that all expense of installing any such connection or connections or other appurtenances and any subsequent changes therein shall be borne by said City of Falls Church, or such other communities of said metropolitan area requesting such services; provided further, that all payments for water taken directly from the mains of the water supply system of the District of Columbia at the Dalecarlia Filtration Plant, or from other points on said water system, shall be made at such time and in such manner as the Secretary of the Army and said Mayor may prescribe; all such payments to be deposited in the Treasury of the United States as other water rents now collected in the District of Columbia are now deposited, but for water as may be supplied through the water mains of Arlington County, as hereinabove authorized, such payments shall be made by said Arlington County in the same manner as payments for water supplied for the use of said Arlington County; provided further, that

payment for water delivered to communities in said metropolitan area from or through the water mains of Arlington County shall be made to said County as may be mutually arranged on an equitable basis and as approved by the Secretary of the Army and said Mayor; and provided further, that the Secretary of the Army, directly or upon the request of the Mayor, may revoke at any time any permit for the use of said water that may have been granted.

(June 26, 1947, 61 Stat. 181, ch. 149, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1541.

1973 Ed., § 43-1531a.

References in Text

The title of Secretary of War was changed to Secretary of the Army by § 205(a) of the Act of July 26, 1947, 61 Stat. 501, ch. 343. Section 205(a) of the Act of July 26, 1947, was repealed by § 53 of the Act of August 10, 1956, 70A Stat. 641, ch. 1041.

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

Restriction on use of funds: Section 136 of Pub. L. 102-382, 106 Stat. 1435, the District of Columbia Appropriations Act, 1993, provided that none of the funds made available in this Act may be used by the District of Columbia to impose, implement, collect, administer, transfer, or enforce a payment in lieu of taxes on the Water and Sewer Utility Administration that would increase payments required of suburban jurisdictions in Maryland or Virginia under the Blue Plains Intermunicipal Agreement of 1985.

§ 34-2411.02. INVESTIGATION OF DISTRIBUTION SYSTEMS OUTSIDE DISTRICT OF COLUMBIA.

The Secretary of the Army, through the Chief of Engineers, shall have the right at all times to investigate the distribution systems of any community outside the District of Columbia supplied with water from the said District of Columbia water system and if, in his opinion, there is an excessive wastage of water, he shall have the right to curtail the supply to said communities to the amount of such wastage.

(June 26, 1947, 61 Stat. 182, ch. 149, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1542.

1973 Ed., § 43-1531b.

§ 34-2411.03. ACQUIRING OF LANDS FOR PIPELINES AUTHORIZED.

The Secretary of the Army or the said Mayor of the District of Columbia is hereby authorized to acquire by purchase or condemnation all necessary lands, easements, and rights-of-way for pipelines within the District of Columbia, needed for the purposes of § 34-2411.01.

(June 26, 1947, 61 Stat. 182, ch. 149, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1543.

1973 Ed., § 43-1531c.

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 VII. REPEALED PROVISIONS.

§ 34-2413.01. RATES.[REPEALED]

(July 3, 1930, 46 Stat. 988, ch. 848, § 1; June 15, 1976, D.C. Law 1-70, title VI, § 601, 23 DCR 548; Mar. 5, 1981, D.C. Law 3-134, § 2, 27 DCR 4424; June 4, 1982, D.C. Law 4-112, § 3, 29 DCR 1687; June 22, 1983, D.C. Law 5-14, § 1002, 30 DCR 2632; Oct. 1, 1987, D.C. Law 7-26, § 2, 34 DCR 5074; Oct. 18, 1989, D.C. Law 8-38, § 2, 36 DCR 5752; repealed pursuant to § 301 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.

1973 Ed., § 43-1520.

Legislative History of Laws

Law 11-111, the "Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996," was introduced in Council and assigned Bill No. 11-102, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 7, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 31, 1996, it was assigned Act No. 11-201 and transmitted to both Houses of Congress for its review. D.C. Law 11-111 became effective on April 18, 1996.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 301 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.02. NONPROFIT HOUSING DEVELOPMENTS--ELIGIBILITY FOR RATE REDUCTION.[REPEALED]

(June 4, 1982, D.C. Law 4-112, § 5, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.1.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 305 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.03. NONPROFIT HOUSING DEVELOPMENTS--FORGIVENESS OF OUTSTANDING CHARGES.[REPEALED]

(June 4, 1982, D.C. Law 4-112, § 6, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.2.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 305 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

**§ 34-2413.04. NONPROFIT HOUSING DEVELOPMENTS--
RULES.[REPEALED]**

(June 4, 1982, D.C. Law 4-112, § 7, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.3.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 305 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

**§ 34-2413.05. NONPROFIT HOUSING DEVELOPMENTS--SUBMISSION OF
WILFUL FALSE STATEMENTS.[REPEALED]**

(June 4, 1982, D.C. Law 4-112, § 8, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.4.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 305 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

**§ 34-2413.06. NONPROFIT HOUSING DEVELOPMENTS--
DEFINITIONS.[REPEALED]**

(June 4, 1982, D.C. Law 4-112, § 2, 29 DCR 1687; June 11, 1992, D.C. Law 9-120, § 3, 39 DCR 3195; Feb. 5, 1994, D.C. Law 10-68, § 35, 40 DCR 6311; repealed pursuant to § 305 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1522.5.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 305 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.07. INCREASE.[REPEALED]

(July 16, 1947, 61 Stat. 360, ch. 258, art. V, § 1; repealed pursuant to § 302 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1523.

1973 Ed., § 43-1520a.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 302 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.08. COUNCIL AUTHORIZED TO FIX WATER RATES.[REPEALED]

(May 18, 1954, 68 Stat. 101, ch. 218, title I, § 101; Mar. 2, 1962, 76 Stat. 17, Pub. L. 87-408, § 501; Jan. 5, 1971, 84 Stat. 1931, Pub. L. 91-650, title I, § 105(a); Oct. 21, 1975, D.C. Law 1-23, title VII, § 706, 22 DCR 2118; July 23, 1992, D.C. Law 9-134, § 112(e), 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 113(b), 39 DCR 4895; repealed pursuant to § 303 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1524.

1973 Ed., § 43-1520c.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 303 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.09. WATER AND WATER SERVICE RATES AND CHARGES.[REPEALED]

(Oct. 21, 1975, D.C. Law 1-23, title VII, § 701(a), 22 DCR 2114; repealed pursuant to § 302 of D.C. Law 11-111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1525.

1973 Ed., § 1520d.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 304 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting

of the Board established by section 204 of the act.

§ 34-2413.10. ADDITIONAL CHARGE ON UNPAID WATER BILLS.[REPEALED]

(May 18, 1954, 68 Stat. 101, ch. 218, title I, § 102; June 13, 1990, D.C. Law 8-136, § 2(a), 37 DCR 2620; repealed pursuant to § 303 of D.C. Law 11- 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1527.

1973 Ed., § 43-1521a.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 303 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 34-2413.11. POTOMAC WATER TO BE FURNISHED TO CHARITABLE INSTITUTIONS WITHOUT CHARGE.[REPEALED]

(Feb. 23, 1905, 33 Stat. 742, ch. 742, § 1; repealed by D.C. Law 11-111, title III, § 306 (43 DCR 548), eff. April 18, 1996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1545.

1973 Ed., § 43-1533.

Legislative History of Laws

For legislative history of D.C. Law 11-111, see Historical and Statutory Notes following § 34-2413.01.

Miscellaneous Notes

Repeal effective 90 days after meeting of Board: Section 306 of D.C. Law 11- 111 repealed this section. However, § 601 of D.C. Law 11-111 provided that title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.