

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 2.
DRAINAGE OF LOTS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. DRAINAGE OF LOTS.

TABLE OF CONTENTS

§ 8-201. Lots to be drained into public sewers and connected with water mains.

§ 8-202. Notice of connection requirement.

§ 8-203. Failure to make required connections.

§ 8-204. Nonresident lot owner; notice; failure to make connections; cost of connections.

§ 8-205. Definitions; repair, maintenance, and renewal of water service pipes and building sewers; compensation to property owners; false claims for compensation; severability.

CHAPTER 2. DRAINAGE OF LOTS.

§ 8-201. LOTS TO BE DRAINED INTO PUBLIC SEWERS AND CONNECTED WITH WATER MAINS.

Each original lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, except human urine and fecal matter, shall flow into said sewer; and if such original lot or subdivisional lot is situated on any street in said District where there is a public sewer and water main, such original lot or subdivisional lot shall be connected with said sewer and also with said water main in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind shall flow into said sewer; provided, that the connections required to be made by this section shall be made under the following conditions:

- (1) When there is on any such original lot or subdivisional lot aforesaid any building used or intended to be used as a dwelling, or in which persons are employed or intended to be employed in any manufacture, trade, or business, or any stable, shed, pen, or place where cows, horses, mules, or other animals are kept, then, and in that instance, such original lot or subdivisional lot shall be connected with a public sewer and water main or with a public sewer, as may be required with this section; and
- (2) Whenever there is no such building, stable, shed, pen, or place, as aforesaid, on such original lot or subdivisional lot, then such lot shall be required to be connected with a public sewer only when it has been certified by the Director of the Department of Human Services of said District that such connection is necessary to public health.

(May 19, 1896, 29 Stat. 125, ch. 206, § 1; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-401.

1973 Ed., § 6-401.

Miscellaneous Notes

Office of Director of Public Health abolished: See Historical and Statutory Notes following § 7-101.

§ 8-202. NOTICE OF CONNECTION REQUIREMENT.

It shall be the duty of the Mayor of the District of Columbia to notify the owner or owners of every lot required by § 8-201 to be connected with a public sewer or water main, as the case may be, to so connect such lot, the work to be done in accordance with the regulations governing plumbing and house drainage in said District.

(May 19, 1896, 29 Stat. 125, ch. 206, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-402.

1973 Ed., § 6-402.

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.

§ 8-203. FAILURE TO MAKE REQUIRED CONNECTIONS.

If the owner or owners of any such lot neglect or refuse to make such connections as are required by § 8-201 within 30 days after the receipt of such notice, such owner or owners shall be deemed guilty of a misdemeanor, and shall, on conviction in the Superior Court of the District of Columbia, be punished by a fine of not less than \$1 nor more than \$5 for each day he, she, or they fail or neglect to make such connections. Civil fines, penalties, and fees may be imposed as alternative sanctions if the owners of any lots neglect or refuse to make the connections required by § 8-201 within 30 days after the receipt of the notice, pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to of Chapter 18 of Title 2.

(May 19, 1896, 29 Stat. 126, ch. 206, § 3; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570 Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6-42, § 477, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-403.

1973 Ed., § 6-403.

Legislative History of Laws

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

Editor's Notes

Near the middle of the second sentence, "connections" has been substituted for "corrections" to correct an error in D.C. Law 6-42.

§ 8-204. NONRESIDENT LOT OWNER; NOTICE; FAILURE TO MAKE CONNECTIONS; COST OF CONNECTIONS.

In case the owner or owners of any such lot be a nonresident or nonresidents of the District of Columbia, or cannot be found therein, then, and in that case, the Mayor of the District of Columbia shall give notice, by publication twice a week for 2 weeks in some daily newspaper published in the City of Washington to such owner, directing the connection of such lot with such public sewer or with such public sewer and water main, as the case may be; provided, however, that if the residence or place of abode of the said nonresident lot owner be known or can be ascertained on reasonable inquiry, then, and in that case, a copy of the aforesaid notice shall be mailed to said nonresident, addressed to him in his proper name at his said place of residence or abode, with legal postage prepaid; and in case such owner or owners shall fail or neglect to comply with the notice aforesaid within 30 days it shall be the duty of said Mayor to cause such connection to be made, the expense to be paid out of the emergency fund; such expense, with necessary expense of advertisement, shall be assessed as a tax against such lot, which tax shall be carried on the regular tax roll of the District of Columbia, and shall be collected in the manner provided for the collection of other taxes.

(May 19, 1896, 29 Stat. 126, ch. 206, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-404.

1973 Ed., § 6-404.

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.

§ 8-205. DEFINITIONS; REPAIR, MAINTENANCE, AND RENEWAL OF WATER SERVICE PIPES AND BUILDING SEWERS; COMPENSATION TO PROPERTY OWNERS; FALSE CLAIMS FOR COMPENSATION; SEVERABILITY.

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

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

(2) "Property" means real property.

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

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

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

(b) The District of Columbia Water and Sewer Authority of the District of Columbia is authorized to repair and maintain and, where necessary, to renew all water service pipes and building sewers from the water main or the public sewer to the property line of each lot in the District of Columbia required to be so connected by § 8-201 at the costs of such owner or owners and to perform all such repairs, as are necessary, to maintain or improve any roadway, alley, minor street, highway or other public space above such repaired or renewed water service pipes or building sewers. The District of Columbia Water and Sewer Authority, where he deems such action necessary, may also perform maintenance or repair work on private property, in which case, the cost, including overhead expense, shall be paid by the property owner. The cost of any repair or maintenance work on water service pipes or building sewers beyond the property line away from the house or structure, made necessary by the negligence or through the action of a property owner or tenant as reasonably determined by the District of Columbia Water and Sewer Authority, shall be charged to the property owner.

(c) The District of Columbia Water and Sewer Authority is further authorized and directed to compensate property owners for any and all expenses incurred at the direction of the District of Columbia for the direct repair of water service pipes or building sewers within the past 3 years from March 29, 1977; provided, that such repairs at the time of their performances have met the requirements of subsection (b) of this section. Compensation shall be in the form of payment or the removal of a lien or assessment against such property by the District of Columbia only to owners who establish under the requirements of subsection (e) of this section proof of actual payment of repairs under a permit issued by the District of Columbia. All rights to compensation under the terms of this subsection shall terminate 2 years from March 29, 1977.

(d) All prior year compensation payments authorized by subsection (c) of this section and all work required to be done in the repair, maintenance, or renewal of water service pipes and building sewer as authorized under subsection (b) of this section, including surface repair works, shall be paid from the Water and Sewer Authority Enterprise Fund established by § 34-2202.07.

(e) Before compensation is granted, the District of Columbia Water and Sewer Authority shall determine whether the repair, made under a permit issued by the District of Columbia, would have been authorized under subsection (b) of this section, noting such other pertinent findings of fact as he deems necessary. If the District of Columbia Water and Sewer Authority determines that the repair work would have been eligible under subsection (b) of this section had it been in effect at the time of repair, he shall compensate any person, who was the property owner at the time the repairs were made, for the cost of such repairs, provided such owner can establish proof of payment for the cost of the repairs to the reasonable satisfaction of the District of Columbia Water and Sewer Authority up to the full value thereof for each separate occurrence.

(f) Any person who by means of false statement, or impersonation, or by other fraudulent device obtains or attempts to obtain or any person who knowingly aids or abets such person in obtaining or attempting to obtain: (1) Any award or payment of compensation under the provisions of this section to which he is not entitled; or (2) a larger amount or greater relief in compensation than that to which he is entitled; shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$500 or imprisoned not to exceed 1 year, or both. Prosecutions under the provisions of this subsection shall be in the name of the District of Columbia by the Office of the Corporation Counsel.

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

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

(May 19, 1896, 29 Stat. 126, ch. 206, § 5; Mar. 29, 1977, D.C. Law 1-98, § 2, 23 DCR 9532b; Oct. 19, 2000, D.C. Law 13-172, § 1502, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-405.

1973 Ed., § 6-405.

Effect of Amendments

D.C. Law 13-172, in subsecs. (b), (c), (e), and (g), substituted "the District of Columbia Water and Sewer Authority" for "the Mayor", and rewrote subsec. (d), which previously read:

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

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 1502 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 1502 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

Law 1-98, the "Water and Sewer Repair and Compensation Act of 1976," was introduced in Council and assigned Bill No. 1-319, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on October 12, 1976 and November 22, 1976, respectively. Signed by the Mayor on December 30, 1976, it was assigned Act No. 1-187 and transmitted to both Houses of Congress for its review.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.