

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 11.
RENTAL AND UTILIZATION OF PUBLIC SPACE.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 11. RENTAL AND UTILIZATION OF
PUBLIC SPACE.

TABLE OF CONTENTS

Subchapter I. General.

- Part A. Definitions; Assessment of Government Rent; Minor Uses.
 - § 10-1101.01. Definitions.
 - § 10-1101.02. Assessment of rent from United States, District or foreign governments not authorized.
 - § 10-1101.03. Minor uses without rental payments authorized.
- Part B. Rental of Public Space on or Above Surface of Ground.
 - § 10-1102.01. Regulations authorized; conditions.
 - § 10-1102.01a. Street festival one-day public space rental.
 - § 10-1102.02. Payments; refunds.
 - § 10-1102.03. Use of property subject to the requirements of § 9-113.04.
- Part C. Rental of Subsurface Space.
 - § 10-1103.01. Permit; conditions; recordation.
 - § 10-1103.02. Assessment; collection.
 - § 10-1103.03. Fixed by Council; waiver.
 - § 10-1103.04. Annual payment required; refunds.
 - § 10-1103.04a. Overpayments.
 - § 10-1103.05. Removal of vault--Order by Mayor; failure to remove.
 - § 10-1103.06. Removal of vault--Notice to owner; immediate action.
 - § 10-1103.07. Collection of rental payments; failure to make payments.
 - § 10-1103.08. Use of vault for utility installation or construction.
 - § 10-1103.09. Vault abutting single- or two-family dwelling exempt from rental charge.
- Part D. General.
 - § 10-1104.01. Regulations authorized.
 - § 10-1104.02. Insurance requirements.
 - § 10-1104.03. Service of orders and notices.
 - § 10-1104.04. Penalties.
 - § 10-1104.05. Deposit of rents collected.
 - § 10-1104.06. Appropriations.
 - § 10-1104.07. Separability.
 - § 10-1104.08. Subchapter not to affect provisions of § 9-113.04.
 - § 10-1104.09. Effective dates.

Subchapter II. Rental of Airspace.

- § 10-1121.01. Definitions.
- § 10-1121.02. Mayor's authority with respect to use of airspace.
- § 10-1121.03. Terms and conditions to be included in leases.
- § 10-1121.04. Execution of airspace leases.
- § 10-1121.05. Removal or relocation of public or private facilities.

- § 10-1121.06. Applicability of zoning and other laws.
- § 10-1121.07. Airspace and structures erected thereon deemed real property for purpose of taxation, water and sewer charges; exemptions.
- § 10-1121.08. Deposit of rents, fees, taxes, assessments, sewer and water charges; payment of expenditures.
- § 10-1121.09. Restoration of airspace upon expiration or termination of lease.
- § 10-1121.10. Regulations authorized; penalties.
- § 10-1121.11. Federal and District governments authorized to construct airspace structures.
- § 10-1121.12. Actions to recover use of leased airspace.
- § 10-1121.13. Area exempted from provisions of subchapter.

Subchapter III. Rental of Public Structures in Public Space.

- § 10-1141.01. Definitions.
- § 10-1141.02. Applicability.
- § 10-1141.03. Permits for the occupation of public space, public rights of way, and public structures.
- § 10-1141.03a. Waiver or reduction of permit fees for the occupation of public space, public rights of way, and public structures.
- § 10-1141.04. Rulemaking.
- § 10-1141.04a. Dedication of public rights-of-way user fees, charges, and penalties.[Repealed]
- § 10-1141.05. Inspection and audit of books and records.
- § 10-1141.06. Surcharge authorization.

CHAPTER 11. RENTAL AND UTILIZATION OF PUBLIC SPACE.

SUBCHAPTER I. GENERAL.

PART A. DEFINITIONS; ASSESSMENT OF GOVERNMENT RENT; MINOR USES.

§ 10-1101.01. DEFINITIONS.

As used in this subchapter, unless the context requires otherwise:

- (1) "Mayor" means the Mayor of the District or his designated agent.
- (1A) "Assessed value" means the estimated market value of the real property attributable to the land for purposes of real property taxation as of January 1 preceding the rent year.
- (2) "District" means the District of Columbia.
- (3) "Owner" means:
 - (A) Any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property;
 - (B) The committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or
 - (C) A trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.
- (4) "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 District.
- (5) "Property line" means the line of demarcation between privately owned property fronting or abutting a street and the publicly owned property in the line of such street.
- (6) "Public space" means all the publicly owned property between the property lines on a street, as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.
- (7) "Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.
- (8) "Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines, or tunnels constructed under the authority of subsection (d) of § 1-301.01, or structures or facilities of the District of Columbia or any structure or facility included in any lease agreement entered into by the Mayor. If such structure or enclosure of space be divided approximately horizontally into 2 or more levels, the term "vault" as used in this subchapter shall be considered as applying to 1 such level only, and each such level shall be considered a separate vault within the meaning of this subchapter.

(Oct. 17, 1968, 82 Stat. 1156, Pub. L. 90-596, title I, § 103; Mar. 2, 2007, D.C. Law 16-192, § 6013(a), 53 DCR 6899; Dec. 24, 2008, D.C. Law 17-284, § 2(a), 55 DCR 11983.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1001.

1973 Ed., § 7-902.

Effect of Amendments

D.C. Law 16-192, in par. (8), substituted "the District of Columbia or" for "the United States or the District of Columbia, or of any governmental entity or foreign government, or".

D.C. Law 17-284 added par. (1A).

Temporary Amendments of Section

Section 2(a) of D.C. Law 17-263 added a new 2nd unnumbered paragraph to read as follows: "'Assessed value' means the estimated market value of the real property attributable to the land for purposes of real property taxation as of January 1 preceding the rent year."

Section 6(b) of D.C. Law 17-263 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6013(a) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 6013(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 6013(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment, see § 2(a) of Public Space Rental Fees Emergency Amendment Act of 2008 (D.C. Act 17-460, July 28, 2008, 55 DCR 8729).

Legislative History of Laws

Law 16-192, the "Fiscal Year Budget Support Act of 2006", was introduced in Council and assigned Bill No. 16-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 9, 2006, and June 6, 2006, respectively. Signed by the Mayor on August 8, 2006, it was assigned Act No. 16-476 and transmitted to both Houses of Congress for its review. D.C. Law 16-192 became effective on March 2, 2007.

Law 17-284, the "Public Space Rental Fees Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-266 which was referred to the Committees on Public Services and Consumer Affairs and Public Works and the Environment. The Bill was adopted on first and second readings on July 15, 2008, and October 7, 2008, respectively. Signed by the Mayor on October 24, 2008, it was assigned Act No. 17-550 and transmitted to both Houses of Congress for its review. D.C. Law 17-284 became effective on December 24, 2008.

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

Establishment of the Public Space Committee, see Mayor's Order 2009-114, June 18, 2009 (56 DCR 6862).

§ 10-1101.02. ASSESSMENT OF RENT FROM UNITED STATES, DISTRICT OR FOREIGN GOVERNMENTS NOT AUTHORIZED.

Nothing contained in this subchapter shall be construed as requiring the Mayor to assess and collect rent from the government of the District of Columbia for the use, in accordance with the provisions of part B of this subchapter, of public space abutting property owned by any such government or governmental entity, nor shall any such government or governmental entity be subject to the payment of any rent required by this subchapter.

(Oct. 17, 1968, 82 Stat. 1157, Pub. L. 90-596, title I, § 104; Mar. 2, 2007, D.C. Law 16-192, § 6013(b), 53 DCR 6899; Mar. 25, 2009, D.C. Law 17-353, § 139, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1002.

1973 Ed., § 7-903.

Effect of Amendments

D.C. Law 16-192 substituted "the government of the District of Columbia for the use, in accordance with the provisions of part B of this subchapter" for "the government of the United States, the government of the District of Columbia, or any foreign government, for the use in accordance with the provisions of parts B and C of this subchapter".

D.C. Law 17-353 validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6013(b) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 6013(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 6013(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For Law 16-192, see notes following § 10-1101.01.

For Law 17-353, see notes following § 10-1016.

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.

§ 10-1101.03. MINOR USES WITHOUT RENTAL PAYMENTS AUTHORIZED.

Notwithstanding any other provisions of this subchapter, the Mayor is authorized, in his judgment and pursuant to regulations adopted and promulgated by the Council of the District of Columbia, to permit the occupancy of public space for minor uses without requiring rental payments when the fixing and collection of rental charges would not be feasible.

(Oct. 17, 1968, 82 Stat. 1157, Pub. L. 90-596, title I, § 105.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1003.

1973 Ed., § 7-904.

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.

PART B. RENTAL OF PUBLIC SPACE ON OR ABOVE SURFACE OF GROUND.

§ 10-1102.01. REGULATIONS AUTHORIZED; CONDITIONS.

The Council of the District of Columbia is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually

required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period; provided, that nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space: (1) in accordance with the provisions of regulations promulgated under the authority of § 6-404; (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation; provided further, that the proposed rental of public space within the area of the District of Columbia subject to the provisions of §§ 6-611.01 and 6-611.02, shall be submitted to the Commission of Fine Arts in accordance with the provisions of §§ 6-611.01 and 6-611.02. The regulations adopted by the Council of the District of Columbia shall provide that public space rented under the authority of this part shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Mayor may require such space to be vacated upon demand by him and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Mayor, the said Mayor may remove from such space any property left thereon or therein by any person using such space under the authority of this part, at the risk and expense of the owner of the real property abutting such space.

(Oct. 17, 1968, 82 Stat. 1331, Pub. L. 90-596, title II, § 201.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1004.

1973 Ed., § 7-905.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2(a) of the Street Festival One Day Permit Emergency Amendment Act of 1999 (D.C. Act 13-129, August 4, 1999, 46 DCR 6646).

For temporary (90 day) repeal of the Sub-Surface Space Rental Rate Resolution (Res. No. 69-71), see § 6012 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) repeal of the Sub-Surface Space Rental Rate Resolution (Res. No. 69-71), see § 6012 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) repeal of the Sub-Surface Space Rental Rate Resolution (Res. No. 69-71), see § 6012 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

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

Short title: Section 6011 of D.C. Law 16-192 provided that subtitle B of title VI of the act may be cited as the "Public Space Rental Fees Amendment Act of 2006".

Section 6012 of D.C. Law 16-192 provided: "The Sub-Surface Space Rental Rate Resolution of the District of Columbia City Council, effective September 16, 1969 (Res. No. 69-71; 16 DCR 72), is repealed."

§ 10-1102.01A. STREET FESTIVAL ONE-DAY PUBLIC SPACE RENTAL.

(a) To participate in a street festival, the lessee of a building that fronts and abuts the closed street may rent, pursuant to § 10-1102.01, the public space immediately fronting and abutting the building which the lessee occupies. This rental of public space shall be subject to the following conditions:

(1) No holder of a license issued pursuant to § 25-104, shall rent public space pursuant to this subsection, except the holder of a retailer's license, Class C or a retailer's license, Class D as defined in subchapter II of Chapter 1 of Title 25. The provisions of this subsection shall not alter the terms and

conditions of these licenses in any other way.

(2) Only a lessee who occupies the entire street level of the building, or, where there is no street level, a lessee who occupies either the entire floor immediately above street level or the entire floor immediately below street level may rent the sidewalk in accordance with this subsection.

(3) The rental period pursuant to this section shall begin with the closing of the street in preparation for the street festival and shall end with the reopening of the street, or for 24 hours, whichever is shorter.

(4) Public space rented pursuant to this subsection shall:

(A) Not include any area within the street; and

(B) Be subject to all conditions of § 10-1102.01, except the submission of the proposed rental to the Commission on Fine Arts.

(b) The rent for the use of public space as provided for in subsection (a) of this section shall be \$1.00 per square foot for the duration of the rental period, except the rent by the holder of a retailer's license, Class C or a retailer's license, Class D as defined in subchapter II of Chapter 1 of Title 25, shall be \$2.00 per square foot for the duration of the rental period. Rent shall be paid in advance to the Metropolitan Police Department for the payment of costs associated with the closing of the street for the street festival.

(c) Business associations shall be allowed to obtain permits on behalf of multiple festival permit participants.

(d) For the purposes of this section "street festival" means any event for which a temporary street closing permit has been issued and which meets the following conditions:

(1) The licensee to whom the street closing permit was issued is a nonprofit organization;

(2) The street closed is zoned for primarily retail use; and

(3) The festival uses the street closed primarily to rent to retail vendors.

(Oct. 17, 1968, 82 Stat. 1331, Pub. L. 90-596, title II, § 201a, as added Apr. 3, 2001, D.C. Law 13-258, § 2, 48 DCR 767.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 13-258, the "Street Festival One Day Public Space Rental Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-798, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-545 and transmitted to both Houses of Congress for its review. D.C. Law 13-258 became effective on April 3, 2001.

§ 10-1102.02. PAYMENTS; REFUNDS.

The Council of the District of Columbia shall by regulation provide for the payment of rent for the use of public space as authorized by this part. The annual rent for such space shall be a fair and equitable amount fixed by the Council from time to time in accordance with regulations adopted by it, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but in no event shall the annual rent for the public space so utilized be at a rate of less than 4 per centum per annum of the current assessed value of an equivalent area of the privately owned space immediately abutting the public space so utilized; provided, that the annual rent for public space used as an unenclosed sidewalk cafe shall be \$5 per square foot and the annual rent for public space used as an enclosed sidewalk cafe shall be \$10 per square foot. Unenclosed flower and fruit stands shall be charged the same rate as unenclosed sidewalk cafes, and enclosed flower and fruit stands shall be charged the same rate as enclosed sidewalk cafes. Such rent shall be payable in advance for such periods as may be fixed by the Council. In the event the Mayor requires any person using public space under the authority of this part to vacate all or part of any space for which rent has been paid, the Mayor is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

(Oct. 17, 1968, 82 Stat. 1158, Pub. L. 90-596, title II, § 202; Sept. 17, 1982, D.C. Law 4-148, § 5, 29 DCR 3361; Sept. 10, 1992, D.C. Law 9-145, § 101(a), 39 DCR 4895; Aug. 6, 1993, D.C. Law 10-11, § 117, 40 DCR 4007; Sept. 30, 1993, D.C. Law 10-25, § 117, 40 DCR 5489.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1005.

1973 Ed., § 7-906.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 117 of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

For temporary (225 day) amendment of section, see § 501(b)(1) of Omnibus Budget Support Temporary Act of 1992 (D.C. Law 9-134, July 23, 1992, law notification 39 DCR 5815).

Emergency Act Amendments

For temporary amendment of section, see § 117 of the Omnibus Budget Support Emergency Act of 1993 (D.C. Act 10-32, June 3, 1993, 40 DCR 3658).

For temporary (90-day) amendment of section, see § 2(b) of the Street Festival One Day Permit Emergency Amendment Act of 1999 (D.C. Act 13-129, August 4, 1999, 46 DCR 6646).

Legislative History of Laws

Law 4-148, the "Enclosed Sidewalk Cafe Act of 1982," was introduced in Council and assigned Bill No. 4-334, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 8, 1982, and July 6, 1982, respectively. Signed by the Mayor on July 21, 1982, it was assigned Act No. 4-219 and transmitted to both Houses of Congress for its review.

Law 9-145, the "Omnibus Budget Support Act of 1992," was introduced in Council and assigned Bill No. 9-222, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 12, 1992, and June 2, 1992, respectively. Approved without the signature of the Mayor on June 22, 1992, it was assigned Act No. 9-225 and transmitted to both Houses of Congress for its review. D.C. Law 9-145 became effective on September 10, 1992.

D.C. Law 10-25, the "Omnibus Budget Support Act of 1993," was introduced in Council and assigned Bill No. 10-165, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 1, 1993, and June 29, 1993, respectively. Signed by the Mayor on July 16, 1993, it was assigned Act No. 10-57 and transmitted to both Houses of Congress for its review. D.C. Law 10-25 became effective on September 30, 1993.

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.

§ 10-1102.03. USE OF PROPERTY SUBJECT TO THE REQUIREMENTS OF § 9-113.04.

The Mayor is authorized, with respect to property subject to the requirements of § 9-113.04, to allow the same use to be made of such property as, under the authority of this part, he allows to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

(Oct. 17, 1968, 82 Stat. 1158, Pub. L. 90-596, title II, § 203; 1973 Ed., § 7-907.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1006.

1973 Ed., § 7-907.

References in Text

Section 9-113.04, referred to in the first sentence was repealed, effective March 10, 1983, by D.C. Law 4-201, § 713. For present provisions regarding the naming of public places, see subchapter IV of Chapter 2 of Title 9.

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.

PART C. RENTAL OF SUBSURFACE SPACE.

§ 10-1103.01. PERMIT; CONDITIONS; RECORDATION.

The Mayor is authorized to issue a permit for the use of a vault constructed prior to the effective date of this subchapter, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging, for himself, his heirs and assigns: (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Mayor may inspect such vault during regular business hours; (3) that the Mayor may introduce or authorize the introduction into or through such vault with, right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Mayor deems necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this subchapter. A copy of such agreement shall be recorded in the Office of the Recorder of Deeds by and at the expense of such owner.

(Oct. 17, 1968, 82 Stat. 1158, Pub. L. 90-596, title III, § 302.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1007.

1973 Ed., § 7-908.

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.

Delegation of Authority

Delegation of Authority Pursuant to D.C. Law 1-4, an Act to Authorize the Mayor of the District of Columbia to Permit the Use of Public Space Under Dupont Circle in the District of Columbia, see Mayor's Order 2010-183, December 31, 2010 (57 DCR 12644).

Miscellaneous Notes

Use of public space under Dupont Circle: See Act of May 22, 1975, D.C. Law 1-4, §§ 101 to 104.

§ 10-1103.02. ASSESSMENT; COLLECTION.

The Mayor is authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor.

(Oct. 17, 1968, 82 Stat. 1159, Pub. L. 90-596, title III, § 303.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1008.

1973 Ed., § 7-909.

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.

§ 10-1103.03. FIXED BY COUNCIL; WAIVER.

Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the Council of the District of Columbia for such vault, but such annual rent shall not be less than \$10, and such rent shall be subject to collection from said owner in the manner prescribed by this part, regardless of whether any use is made of such vault, and regardless of the extent of any use; provided, that no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1st of such year, has notified the Mayor in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

(Oct. 17, 1968, 82 Stat. 1159, Pub. L. 90-596, title III, § 304.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1009.

1973 Ed., § 7-910.

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.

§ 10-1103.04. ANNUAL PAYMENT REQUIRED; REFUNDS.

(a) Except as provided in subsections (d) and (d-1) of this section, the owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established in accordance with this part for such vault. Such rent shall be payable annually for the year commencing July 1st and ending the following June 30th, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between July 1st and January 1st of any year, one-half of the annual rent for any such vault, shall be payable in full prior to the 1st of January immediately following the completion of such vault. In the case of vaults constructed between January 1st and July 1st of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the 1st of July immediately following the completion of any such vault, pay in full the annual rent for such vault, for the rental year commencing on such July 1st. Interest at the rate of 1 per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

(b) In the event the Mayor requires or allows any person using subsurface public space under the authority of this part to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Mayor is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid; provided, that the Mayor may deduct from such prepayment any amount due the District in compensation for expenses to the District in connection with the use or abandonment of said space.

(c) Each level of a vault shall be treated as a separate vault for purposes of computing annual rent. Fuel oil tanks shall be considered as single level vaults. Annual rental shall be computed on the basis of the assessed value ("A.V.") per square foot of the abutting land multiplied by the area of the vault level in square feet ("Area") multiplied by a utilization factor ("U.F."), otherwise expressed as (A.V.) x (Area) x (U.F.).

The utilization factors shall be:

- (1) First Level: One and two-tenths percent (1.2%);
- (2) Each Level Thereafter: Three-tenths of one percent (0.30%).

(d)(1) Notwithstanding subsection (a) of this section, an owner of property, including air rights, abutting public space occupied by a vault constructed under the portions of F Street, N.W., and G Street, N.W., between 2nd Street, N.W., and 3rd Street, N.W., and the portions of 2nd Street, N.W., and 3rd Street, N.W., between F Street, N.W., and G Street, N.W., shall not be required to pay the rent required by subsection (a) of this section during the period described in paragraph (2) of this subsection if:

(A) The vault abuts and is constructed as part of the improvements constructed pursuant to the land disposition agreement to be entered into pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) ("Center Leg improvements");

(B) The owner (or a previous owner) has reconstructed F Street, N.W., and G Street, N.W., between 2nd Street, N.W., and 3rd Street, N.W. ("reconstructed streets") in accordance with the standards and specifications of the District Department of Transportation and at no cost to the District; and

(C) The owner agrees to maintain the reconstructed streets at no cost to the District.

(2) A rent waiver granted under this subsection shall commence on the date that the Mayor accepts the reconstructed streets and shall terminate 14 calendar days after the date of a determination by that Mayor that:

(A) The Center Leg improvements have been substantially rebuilt or demolished for reasons other than fire, collapse, explosion, or act of God;

(B) The owner has failed to maintain the reconstructed streets in a safe condition and at no cost to the District, after such notice and opportunity to cure, if any, as may be provided in the permit; or

(C) The owner has violated a condition under which its vault construction permit was issued, after such notice and opportunity to cure, if any, as may be provided in the permit.

(3) Any vault serving, in whole or in part, real property exempt from taxation under § 47 -1002(19) shall be exempt from vault rent.

(d-1) Notwithstanding subsection (a) of this section, the owner of Lot 1 in Square 1048-S ("property") shall not be required to pay the rent required by subsection (a) of this section for any vault occupying the Virginia Avenue right-of-way abutting the property and constructed after July 23, 2010.

(e) The owner shall have at least 30 days from the date of issuance of a bill to pay the rent.

(Oct. 17, 1968, 82 Stat. 1159, Pub. L. 90-596, title III, § 305; Mar. 2, 2007, D.C. Law 16-192, § 6013(c), 53 DCR 6899; Oct. 22, 2008, D.C. Law 17- 253, § 3, 55 DCR 9270; Dec. 24, 2008, D.C. Law 17-284, § 2(b), 55 DCR 11983; July 23, 2010, D.C. Law 18-198, § 4, 57 DCR 4528; Jan. 12, 2012, D.C. Law 19-78, § 2, 58 DCR 10102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1010.

1973 Ed., § 7-911.

Effect of Amendments

D.C. Law 16-192 added subsec. (c).

D.C. Law 17-253, in subsec. (a), inserted "Except as provided in subsec. (d) of this section,"; and added subsec. (d).

D.C. Law 17-284, in subsec. (c), substituted "One and two-tenths percent (1.2%)" for "One and eight-tenths percent (1.8%)" and "Three-tenths of one percent (0.30%)" for "Forty-fifth of one percent (0.45%);" and added subsec. (e).

D.C. Law 18-198, in subsec. (a), substituted "Except as provided in subsections (d) and (d-1) of this section" for "Except as provided in subsection (d) of this section"; and added subsec. (d-1).

D.C. Law 19-78 added subsec. (d)(3).

Temporary Amendments of Section

Section 2(b) of D.C. Law 17-263, in subsec. (c), substituted "One and two-tenths percent (1.2%)" for "One and eight-tenths percent (1.8%)" and "Three-tenths of one percent (0.30%)" for "Forty-fifth of one percent (0.45%);" and added subsec. (d) to read as follows:

"(d) The owner shall have at least 30 days from the date of issuance of a bill to pay the rent."

Section 6(b) of D.C. Law 17-263 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

Section 2(c) of D.C. Law 17-263 added a section to read as follows:

"Sec. 305a. Overpayments.

"(a) If there is a payment of a rent that results in an overpayment, the overpayment shall be credited against other rent periods owed.

"(b) The Mayor shall refund the rent payment less any other rent owing; provided, that the refund shall not be allowed after 3 years from the date the rent payment was made.

"(c) The owner may file a claim for a refund in the manner prescribed by the Mayor.

"(d) The District shall pay interest on the overpayment beginning 90 days after the receipt of the claim for refund; provided, that for the rent originally due on June 30, 2008, interest on the overpayment shall not accrue before 180 days from the receipt of the claim for refund.

"(e) The interest payable by the District under subsection (d) of this section shall be at the rate provided in D.C. Official Code § 47-3310(c).

"(f) The Mayor shall issue a final decision concerning the claim for a refund within 180 days from the date that the claim was filed. The owner may, within 45 days from either the date of the final decision or the expiration of the 180 days if no final decision issues, file suit in the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Official Code §§ 47-3303 and 47-3304; provided, that the rent, including any interest, shall have first been paid. "

Section 6(b) of D.C. Law 17-263 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6013(c) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 6013(c) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 6013(c) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment, see § 2(b) of Public Space Rental Fees Emergency Amendment Act of 2008 (D.C. Act 17-460, July 28, 2008, 55 DCR 8729).

For temporary (90 day) addition, see § 2(c) of Public Space Rental Fees Emergency Amendment Act of 2008 (D.C. Act 17-460, July 28, 2008, 55 DCR 8729).

Legislative History of Laws

For Law 16-192, see notes following § 10-1101.01.

Law 17-253, the "Center Leg Freeway (Interstate 395) Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-717 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-500 and transmitted to both Houses of Congress for its review. D.C. Law 17-253 became effective on October 22, 2008.

For Law 17-284, see notes following § 10-1101.01.

Law 18-198, the "Closing of Public Streets Adjacent to Square 1048-S (S.O. 09- 11792) Act of 2010", was introduced in Council and assigned Bill No. 18-694, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 19, 2010, it was assigned Act No. 18-410 and transmitted to both Houses of Congress for its review. D.C. Law 18-198 became effective on July 23, 2010.

Law 19-78, the "Vault Tax Clarification Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-21, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 4, 2011, and November 1, 2011, respectively. Signed by the Mayor on November 21, 2011, it was assigned Act No. 19-238 and transmitted to both Houses of Congress for its review. D.C. Law 19-78 became effective on January 12, 2012.

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.

§ 10-1103.04A. OVERPAYMENTS.

(a) If there is a payment of a rent that results in an overpayment, the overpayment shall be credited against other rent periods owed.

(b) The Mayor shall refund the rent payment less any other rent owing; provided, that the refund shall not be allowed after 3 years from the date the rent payment was made.

(c) The owner may file a claim for a refund in the manner prescribed by the Mayor.

(d) The District shall pay interest on the overpayment beginning 90 days after the receipt of the claim for refund; provided, that for the rent originally due on June 30, 2008, interest on the overpayment shall not accrue before 180 days from the receipt of the claim for refund.

(e) The interest payable by the District under subsection (d) of this section shall be at the rate provided in § 47-3310(c).

(f) The Mayor shall issue a final decision concerning the claim for a refund within 180 days from the date that the claim was filed. The owner may, within 45 days from either the date of the final decision or the expiration of the 180 days if no final decision issues, file suit in the Superior Court of the District of Columbia in the same manner and to the same extent as provided in §§ 47-3303 and 47-3304; provided, that the rent, including any interest, shall have first been paid.

(Oct. 17, 1968, 82 Stat. 1159, Pub. L. 90-596, title III, § 305a, as added Dec. 24, 2008, D.C. Law 17-284, § 2(c), 55 DCR 11983.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-284, see notes following § 10-1101.01.

Miscellaneous Notes

Section 4 of D.C. Law 17-284 provides that sections 2 and 3 shall apply as of July 1, 2008.

§ 10-1103.05. REMOVAL OF VAULT--ORDER BY MAYOR; FAILURE TO REMOVE.

(a) Whenever the Mayor determines that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains, other public works, or public utility facilities, the Mayor is authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Mayor. The failure or refusal of any such owner to comply with such order of the Mayor within the time specified in such order shall constitute a violation of this subchapter.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Mayor within the time specified by him, the Mayor is authorized to apply to the Superior Court of the District of Columbia for, and the said Court is hereby authorized to issue, an order empowering the Mayor to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said Court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publications for 1 day each week for 3 consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

(Oct. 17, 1968, 82 Stat. 1160, Pub. L. 90-596, title III, § 306; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1011.

1973 Ed., § 7-912.

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.

§ 10-1103.06. REMOVAL OF VAULT--NOTICE TO OWNER; IMMEDIATE ACTION.

Notwithstanding the provisions of the preceding section, whenever the Mayor finds that any vault or vault opening in such condition as to be imminently dangerous to persons or property, he shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12:00 noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure; provided, that in a case where the public safety requires immediate action the Mayor may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Mayor performs any work under the authority of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by § 10-1103.07.

(Oct. 17, 1968, 82 Stat. 1160, Pub. L. 90-596, title III, § 307.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1012.

1973 Ed., § 7-913.

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.

§ 10-1103.07. COLLECTION OF RENTAL PAYMENTS; FAILURE TO MAKE PAYMENTS.

(a) The Mayor shall take such action as he in his discretion considers necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental payments; the cost of any advertising required by this part; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing, or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of 1 per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized by this part is not made within 30 days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this part and not paid within 90 days after the close of the fiscal year in which such charges accrue shall be levied by the Mayor as a tax against the property abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this part. The tax authorized to be levied and collected under this section may be paid without interest within 60 days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of 60 days from the date such tax was levied. Any such tax may be paid in 3 equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of 2 years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing

annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

(Oct. 17, 1968, 82 Stat. 1160, Pub. L. 90-596, title III, § 308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1013.

1973 Ed., § 7-914.

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.

§ 10-1103.08. USE OF VAULT FOR UTILITY INSTALLATION OR CONSTRUCTION.

(a) The Mayor is authorized to require that the use of a vault occupied or used under the authority of this subchapter shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Mayor may consider it necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Mayor that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave a space clear and sufficient in the judgment of the Mayor for the introduction and maintenance of any such underground construction or installation. The Mayor is further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Mayor shall have the right to enter upon the premises at any time for the inspection and proper maintenance or repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway, or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Mayor, without expense to the District of Columbia.

(b) In the event a person occupying or using a vault under the authority of this subchapter shall fail or refuse to perform or to permit the performance of any work required by the Mayor under the authority of subsection (a) of this section, the Mayor is authorized to apply to the Superior Court of the District of Columbia for, and said Court is hereby authorized to issue, an order empowering the Mayor to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Mayor may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said Court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for 1 day each week for 3 consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Mayor as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by § 10-1103.07.

(Oct. 17, 1968, 82 Stat. 1161, Pub. L. 90-596, title III, § 309; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1014.

1973 Ed., § 7-915.

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.

§ 10-1103.09. VAULT ABUTTING SINGLE- OR TWO-FAMILY DWELLING EXEMPT FROM RENTAL CHARGE.

Nothing contained in this part shall be construed as authorizing the Council of the District of Columbia to impose a rental charge for the use of any vault abutting real property on which is located a single- or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this part.

(Oct. 17, 1968, 82 Stat. 1162, Pub. L. 90-596, title III, § 310.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1015.

1973 Ed., § 7-916.

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.

PART D. GENERAL.

§ 10-1104.01. REGULATIONS AUTHORIZED.

The Council of the District of Columbia after public hearing is authorized to make and promulgate regulations to carry out the purposes of this subchapter. The regulations initially adopted by the Council under the authority of this section to carry out the purposes of part C of this subchapter shall become effective on the effective date of such sections, if, not less than 10 days prior to such date, the Council has adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Council under the authority of this section shall become effective 10 days after notice of their adoption has been printed in a newspaper of general circulation in the District.

(Oct. 17, 1968, 82 Stat. 1162, Pub. L. 90-596, title IV, § 401.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1016.

1973 Ed., § 7-917.

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.

§ 10-1104.02. INSURANCE REQUIREMENTS.

The Mayor shall, in connection with authorizing the use of any public space under the authority of this subchapter, require the person authorized to use such space, prior to any such use, to secure a policy of public liability and property damage insurance or other acceptable security providing for such minimum limits of liability as may be required by the Mayor. Any such insurance policy shall include the District and its officers and employees as additional parties insured and shall be cancellable only after 30 days written notice of such cancellation has been received by the Mayor. No such use of public space shall be authorized or continued for any period unless such insurance or other security is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance or other security covering any use of public space by either of the said governments under the authority of this subchapter.

(Oct. 17, 1968, 82 Stat. 1162, Pub. L. 90-596, title IV, § 402.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1017.

1973 Ed., § 7-918.

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.

§ 10-1104.03. SERVICE OF ORDERS AND NOTICES.

(a) Any order or notice required by this subchapter to be served shall be deemed to have been served when served by any of the following methods:

(1) When forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address; provided, that valid service upon the owner shall be deemed effected:

(A) If such order or notice shall be refused by the owner and not delivered for that reason; or

(B) When delivered to the person to be notified; or

(C) When left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or

(D) If no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or

(E) If any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice, as hereinbefore provided, cannot be effected, then if published for 1 day each week for 3 consecutive weeks in a daily newspaper published in the District; or

(F) If by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided.

(2) Any order or notice to a corporation shall, for the purposes of this subchapter, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders

or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this subchapter, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

(Oct. 17, 1968, 82 Stat. 1163, Pub. L. 90-596, title IV, § 403.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1018.

1973 Ed., § 7-919.

§ 10-1104.04. PENALTIES.

Any person who shall violate any provision of this subchapter shall be punished by a fine not exceeding \$300 or by imprisonment for not more than 10 days. In addition, such regulations as may be adopted by the Council of the District of Columbia under the authority of this subchapter may provide for the imposition of a fine of not more than \$300 or imprisonment for not more than 10 days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

(Oct. 17, 1968, 82 Stat. 1163, Pub. L. 90-596, title IV, § 404.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1019.

1973 Ed., § 7-920.

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.

§ 10-1104.05. DEPOSIT OF RENTS COLLECTED.

Rent paid for the use of public space under the authority of this subchapter shall be deposited to the credit of such special funds or General Fund of the District in such proportions as the Mayor shall, in his discretion, determine.

(Oct. 17, 1968, 82 Stat. 1164, Pub. L. 90-596, title IV, § 405.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1020.

1973 Ed., § 7-921.

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.

§ 10-1104.06. APPROPRIATIONS.

Appropriations to carry out the purposes of this subchapter are hereby authorized.

(Oct. 17, 1968, 82 Stat. 1164, Pub. L. 90-596, title IV, § 406.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1021.

1973 Ed., § 7-922.

§ 10-1104.07. SEPARABILITY.

If any provision of this subchapter or of the regulations promulgated under the authority of this subchapter is held invalid, such invalidity shall not affect other provisions either of this subchapter or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this subchapter and the said regulations are separable.

(Oct. 17, 1968, 82 Stat. 1164, Pub. L. 90-596, title IV, § 407.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1022.

1973 Ed., § 7-923.

§ 10-1104.08. SUBCHAPTER NOT TO AFFECT PROVISIONS OF § 9-113.04.

Nothing contained in this subchapter shall be construed to affect in any manner the provisions of § 9-113.04 with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such section, and to make use of the parking on any such street in accordance with the terms of the 4th proviso of such section, relating to the height of parking and the projection of buildings beyond the building line, the District's right-of-way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

(Oct. 17, 1968, 82 Stat. 1164, Pub. L. 90-596, title IV, § 408; 1973 Ed., § 7-924.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1023.

1973 Ed., § 7-924.

References in Text

Section 7-117 referred to in the first sentence was repealed, effective March 10, 1983, by D.C. Law 4-201, § 713. For present provisions regarding the naming of public places, see subchapter IV of Chapter 4 of this title.

§ 10-1104.09. EFFECTIVE DATES.

Parts A and D of this subchapter shall take effect on the date of approval of this subchapter. Part B of this subchapter shall take effect the 1st day of the 1st month which occurs more than 30 days after the Council of the District of Columbia has first adopted and promulgated regulations to carry out the purposes of such sections. Part C of this subchapter shall take effect on the 1st day of July which occurs 3 months or more after the date of approval of this subchapter.

(Oct. 17, 1968, 82 Stat. 1164, Pub. L. 90-596, title IV, § 409.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1024.

1973 Ed., § 7-925.

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.

SUBCHAPTER II. RENTAL OF AIRSPACE.

§ 10-1121.01. DEFINITIONS.

As used in this subchapter:

- (1) The term "Mayor" means the Mayor of the District of Columbia.
- (2) The term "District" means the District of Columbia.
- (3) The term "airspace" means the space above and below a street or alley under the jurisdiction of the Mayor.

(Oct. 17, 1968, 82 Stat. 1166, Pub. L. 90-598, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1031.

1973 Ed., § 7-941.

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.

§ 10-1121.02. MAYOR'S AUTHORITY WITH RESPECT TO USE OF AIRSPACE.

The Mayor, in conformity with the comprehensive plan for the National Capital prepared under § 2-1003, may:

- (1) Enter into leases for the use of airspace in the District to an extent not inconsistent with the use, operation, and maintenance of, any street or alley;
- (2) Use airspace for such public purposes as are authorized by law;
- (3) Enter into agreements with the federal government for the purpose of receiving grants or other financial assistance under the federal programs in connection with the construction, use or operation of any structure in airspace; and
- (4) Enter into agreements with the federal government to enable the federal government to construct federal buildings in the space above and below any street or alley, title to which is in the District.

(Oct. 17, 1968, 82 Stat. 1166, Pub. L. 90-598, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1032.

1973 Ed., § 7-942.

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.

District of Columbia Public Space Committee established: See Mayor's Order 83- 54, February 17, 1983.

§ 10-1121.03. TERMS AND CONDITIONS TO BE INCLUDED IN LEASES.

Any lease of airspace entered into under this subchapter shall provide:

- (1) That such airspace shall not be used to deprive any real property not owned by the lessee of easements of light, air, and access;
- (2) For a clearance of at least 15 feet between the recorded grade of a street or alley and the lowest portion of any structure (other than supporting columns) constructed over such street or alley;
- (3) That upon the expiration or termination of the lease of airspace the Mayor may require (at the expense of the lessee or his successor in interest) the removal of any structure constructed or erected in such airspace and the restoration of such airspace to its condition prior to the construction or erection of such structure;
- (4) That all the rights, duties, terms, conditions, agreements, and covenants set forth and contained in such lease shall run with the abutting real property owned by the lessee and shall apply to the lessee, his heirs, legal representatives, successors, and assignees;
- (5) That the lessee shall, at his expense, record a copy of the lease in the Office of the Recorder of Deeds of the District of Columbia;
- (6) For the payment of such rents and fees, and the posting of such bond or such other security, by the lessee, as the Mayor determines to be necessary or desirable; and
- (7) For such other terms and conditions as the Mayor determines to be necessary or desirable.

(Oct. 17, 1968, 82 Stat. 1166, Pub. L. 90-598, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1033.

1973 Ed., § 7-943.

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.

§ 10-1121.04. EXECUTION OF AIRSPACE LEASES.

The Mayor may execute a lease of airspace under this subchapter if:

- (1) The lessee of the airspace has a fee simple title to the real property abutting such airspace and the lease is for airspace which lies only within the frontages of such abutting real property which are directly opposite;
- (2) The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, offstreet parking and floor area ratios applicable to such structure, and easements of light, air, and access;
- (3) The lessee has submitted to the Mayor, for his review and approval, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model, of any structure to be erected in such airspace;
- (4) The Mayor with respect to any structure proposed to be constructed in an area subject to §§ 6-611.01 and 6-611.02, or §§ 6-1201 to 6-1205 has submitted to the Commission of Fine Arts for its review and recommendations, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model, of any such structure; and

(5) The Mayor, with respect to any structure proposed to be constructed over space utilized or to be utilized for the construction and operation of the subway of the Washington Metropolitan Area Transit Authority, has submitted to the Authority for its review and recommendations the plans, elevations, sections, and a scale model of any such structure.

(Oct. 17, 1968, 82 Stat. 1167, Pub. L. 90-598, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1034.

1973 Ed., § 7-944.

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.

§ 10-1121.05. REMOVAL OR RELOCATION OF PUBLIC OR PRIVATE FACILITIES.

The District shall not pay the cost of any removal or relocation of publicly or privately owned facilities in a street or alley in connection with the construction of a structure in airspace leased under this subchapter. No such facilities may be removed or relocated unless the Mayor has approved all arrangements for such removal or relocation.

(Oct. 17, 1968, 82 Stat. 1167, Pub. L. 90-598, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1035.

1973 Ed., § 7-945.

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.

§ 10-1121.06. APPLICABILITY OF ZONING AND OTHER LAWS.

Zoning laws and regulations and other laws and regulations applicable to the construction, use, and occupancy of buildings and premises, including building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to structures constructed in airspace.

(Oct. 17, 1968, 82 Stat. 1167, Pub. L. 90-598, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1036.

1973 Ed., § 7-946.

§ 10-1121.07. AIRSPACE AND STRUCTURES ERECTED THEREON DEEMED REAL PROPERTY FOR PURPOSE OF TAXATION, WATER AND SEWER CHARGES; EXEMPTIONS.

For the purposes of this subchapter, airspace and structures constructed or erected in airspace shall be deemed to be real property and shall be liable to assessment, taxation, and water and sewer service charges by the District from the beginning of the term or period of such lease. For the purposes of real property assessments and taxation, the value of airspace, other than any structure constructed or erected in airspace, shall be its fair market value. No tax or assessment shall be levied with respect to airspace or structures in airspace:

- (1) Occupied exclusively by the federal government or the District government; or
- (2) Occupied and used by 1 or more organizations which, under § 47-1002, are exempt from real property taxation.

(Oct. 17, 1968, 82 Stat. 1167, Pub. L. 90-598, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1037.

1973 Ed., § 7-947.

§ 10-1121.08. DEPOSIT OF RENTS, FEES, TAXES, ASSESSMENTS, SEWER AND WATER CHARGES; PAYMENT OF EXPENDITURES.

(a) Except as provided by subsection (b) of this section, all collections, including rents and fees, received by the District under this subchapter shall be deposited in the Treasury of the United States in a trust fund, from which may be paid, in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this subchapter, including necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of a default under a lease entered into under this subchapter. The unobligated balance in such trust fund in excess of \$100,000 as of the end of any fiscal year shall be deposited in the Treasury to the credit of such special funds or the General Fund of the District in such proportions as the Mayor may determine.

(b) Taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited.

(Oct. 17, 1968, 82 Stat. 1168, Pub. L. 90-598, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1038.

1973 Ed., § 7-948.

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.

§ 10-1121.09. RESTORATION OF AIRSPACE UPON EXPIRATION OR TERMINATION OF LEASE.

If, upon the expiration or termination of a lease of airspace under this subchapter: (1) the Mayor determines that any structure constructed or erected in such airspace should be removed or such airspace should be restored to its condition prior to the construction or erection of such structure; and (2) the lessee or his successor in interest, upon the request of the Mayor, fails, after a reasonable time, to remove such structure or to restore such airspace to its condition prior to the construction or erection of such structure; the Mayor may remove such structure and restore such airspace. The cost of such removal and restoration shall be assessed against the abutting properties as a tax. Such tax shall be collected in the manner prescribed by § 6-806, for the collection of amounts assessed as a tax under that section.

(Oct. 17, 1968, 82 Stat. 1168, Pub. L. 90-598, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1039.

1973 Ed., § 7-949.

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.

§ 10-1121.10. REGULATIONS AUTHORIZED; PENALTIES.

(a) The Council of the District of Columbia shall, after public hearing, promulgate such regulations as may be necessary to carry out this subchapter.

(b) Any regulations promulgated under this subchapter may provide for the imposition of a fine of not more than \$300, or imprisonment of not more than 90 days, or both, for any violation of such regulations. Prosecution for violations of such regulations shall be conducted in the name of the District by the Corporation Counsel.

(c)(1) The Mayor shall:

(A) Give any person violating a regulation promulgated under this subchapter notice of such violation; and

(B) Set a date by which such person shall comply with such regulation.

(2) Each day after such date during which there is a failure to comply with such regulation shall be a separate offense.

(d) The Mayor may maintain an action in the Superior Court of the District of Columbia to enjoin the continuing violation of any regulation adopted, under the authority of this subchapter, by the Council of the District of Columbia or by the Zoning Commission.

(e) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this subchapter shall be pursuant to Chapter 18 of Title 2.

(Oct. 17, 1968, 82 Stat. 1168, Pub. L. 90-598, § 11; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c)(27); Oct. 5, 1985, D.C. Law 6-42, § 428, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1040.

1973 Ed., § 7-950.

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.

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.

§ 10-1121.11. FEDERAL AND DISTRICT GOVERNMENTS AUTHORIZED TO CONSTRUCT AIRSPACE STRUCTURES.

The federal government and District government are each authorized, without regard to the requirements of §§ 10-1121.03 through 10-1121.10, to construct any structure in airspace, subject to the following conditions:

- (1) The government proposing to construct any structure in airspace shall have fee simple title to real property abutting such real property;
- (2) The airspace to be occupied by such structure shall be only within the frontages of the real property abutting such airspace which are directly opposite;
- (3) The airspace to be occupied by such structure shall not be used to deprive any real property, not owned by the federal government or District government, of its easements of light, air, or access;
- (4) The construction of any such structure by the District government across a street or alley, the title to which is in the United States, shall be in accordance with an agreement between the Mayor and the Attorney General of the United States, subject to such terms and conditions as the Attorney General and the Mayor agree to include in the agreement;
- (5) Section 6-641.15 shall apply to the construction of any structure in such airspace by the federal government and, to the extent required by subsection (c) of § 2-1004, to the construction of any structure in such airspace by the District government;
- (6) Plans for the construction of any structure in such airspace by the federal government or the District government shall be subject to review by the National Capital Planning Commission in accordance with § 2-1004;
- (7) The construction of any such structure by the federal government or the District government shall be subject to the recommendations of the Commission of Fine Arts to the extent required by §§ 6-611.01 and 6-611.02 or §§ 6-1201 to 6-1205.

(Oct. 17, 1968, 82 Stat. 1169, Pub. L. 90-598, § 12.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1041.

1973 Ed., § 7-951.

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.

§ 10-1121.12. ACTIONS TO RECOVER USE OF LEASED AIRSPACE.

If the federal government or the District government brings an action to recover the use of airspace leased under this subchapter, the government having title to the street or alley over or under which such airspace is located shall pay to the lessee of such airspace the fair market value of the remainder of his leasehold interest in such airspace. If the federal government recovers the use of airspace over or under a street to which it has title, the District government shall pay to the federal government an amount equal to the rents and fees received by the District government for the rental of such airspace or an amount equal to the fair market value of the remainder of the leasehold interest in such airspace, whichever is smaller.

(Oct. 17, 1968, 82 Stat. 1170, Pub. L. 90-598, § 13.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1042.

1973 Ed., § 7-952.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 11-76, the "Rental of Public Structures in Public Space Temporary Act of 1995", see Mayor's Order 96-8, January 31, 1996 (43 DCR 615).

§ 10-1121.13. AREA EXEMPTED FROM PROVISIONS OF SUBCHAPTER.

This subchapter shall not apply to airspace within the area in the District bounded on the north by G Street Northeast and Northwest, on the south by G Street Southeast and Southwest, on the east by 11th Street Northeast and Southeast, and the west by 3rd Street Southwest and Northwest.

(Oct. 17, 1968, 82 Stat. 1170, Pub. L. 90-598, § 14.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1043.

1973 Ed., § 7-953.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 11-138, the "Rental of Public Structures in the Public Space Emergency Act of 1995", see Mayor's Order 95- 117, September 12, 1995.

SUBCHAPTER III. RENTAL OF PUBLIC STRUCTURES IN PUBLIC SPACE.

§ 10-1141.01. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Conduit" means any pipe or other hollow protective sleeve through which cable may be inserted.
- (2) "Private structure" means all privately-owned fixtures on public space or in the public rights of way.
- (3) "Public rights of way" means the surface, the air space above the surface (including air space immediately adjacent to a private structure located on public space or in a public right of way), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard.
- (4) "Public space" means all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.
- (5) "Public structure" means all publicly-owned fixtures on the public space and in the public rights of way.

(Apr. 9, 1997, D.C. Law 11-198, § 601, 43 DCR 4569.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1071.

Temporary Addition of Sections

For temporary (225 day) additions, see §§ 2 to 4 of Rental of Public Structures in Public Space Temporary Act of 1995 (D.C. Law 11-76, December 21, 1995, law notification 43 DCR 278).

For temporary (225 day) additions, see §§ 601 to 606 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

Emergency Act Amendments

For temporary addition of subchapter, see §§ 1001 through 1006 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), §§ 601 through 606 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), §§ 601 through 606 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and §§ 601-606 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 addition of sections regarding the authorization of the rental of public structures in public space and public right of way by the Mayor, see §§ 2 through 4 of the Rental of Public Structures in Public Space Emergency Act of 1995 (D.C. Act 11-138, August 15, 1995, 42 DCR 4725) and §§ 2 through 4 of the Rental of Public Structures in Public Space Congressional Review Emergency Act of 1995 (D.C. Act 11-143, October 23, 1995, 42 DCR 6035).

Legislative History of Laws

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 on April 9, 1997.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 11-138, the "Rental of Public Structures in the Public Space Emergency Act of 1995", see Mayor's Order 95- 117, September 12, 1995.

§ 10-1141.02. APPLICABILITY.

Sections 10-1141.03 to 10-1141.05 shall not apply to:

(1) The rental of:

(A) Public space for use as a sidewalk cafe, enclosed flower or fruit stand, or for other retail purposes pursuant to §§ 10-1101.01 through 10-1102.02;

(B) Space for a vault pursuant to §§ 10-1103.01 through 10-1104.01; or

(C) Airspace for buildings, walkways, or other structures designed to be occupied by people on a regular basis, pursuant to subchapter II of this chapter; or

(2) The occupation or use of public space or public streets by a vendor pursuant to a license to vend which has been issued to the vendor by the Mayor pursuant to Chapter 1A of Title 37.

(Apr. 9, 1997, D.C. Law 11-198, § 602, 43 DCR 4569; Oct. 22, 2009, D.C. Law 18-71, § 12(b), 56 DCR 6619.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1072.

Effect of Amendments

D.C. Law 18-71, in par. (2), substituted "by the Mayor pursuant to Chapter 1A of Title 37" for "pursuant to § 47-2834".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 11(b) of Extension of Time to Dispose of the Old Congress Heights School Temporary Amendment Act of 2008 (D.C. Law 17-172, June 5, 2008, law notification 55 DCR 7258).

Section 10(b) of D.C. Law 18-4 substituted "issued on or after March 19, 2008" for "pursuant to paragraph 36 of section 7 of An Act making appropriations for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Code § 47-2834)".

Section 12(b) of D.C. Law 18-4 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 10-1141.01.

Emergency Act Amendments

See Historical and Statutory Notes following § 10-1141.01.

For temporary (90 day) amendment of section, see § 10(b) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) amendment of section, see § 10(b) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) amendment of section, see § 10(b) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 10-1141.01.

Law 18-71, the "Vending Regulation Act of 2009", as introduced in Council and assigned Bill No. 18-257, which was referred to the Committee on Public Services and Consumer Affairs. The bill was adopted on first and second readings on June 30, 2009, and July 14, 2009, respectively. Signed by the Mayor on July 28,

2009, it was assigned Act No. 18-167 and transmitted to both Houses of Congress for its review. D.C. Law 18-71 became effective on October 22, 2009.

§ 10-1141.03. PERMITS FOR THE OCCUPATION OF PUBLIC SPACE, PUBLIC RIGHTS OF WAY, AND PUBLIC STRUCTURES.

(a) The Mayor may issue permits to occupy or otherwise use public rights of way, public space, and public structures pursuant to this subchapter for any purpose, including the use of the foregoing for conduits, including conduits which occupy public space, or a public right of way on April 9, 1997.

(b) The Mayor may issue permits to occupy public space, public rights of way, and public structures pursuant to this subchapter without regard to whether the permittee owns the property abutting the public space, public right of way, or public structure which is the subject of the permit. The permits shall be subject to the terms and conditions set forth in any agreement entered into by the Mayor and the permittee to carry out the purposes of this subchapter, and to any regulations promulgated pursuant to this subchapter.

(c) The Mayor may revoke any permit issued pursuant to this subchapter at any time. In the event the Mayor requires any permittee to vacate all or any part of any public space, public right of way, or public structure for which a permit charge has been paid, the Mayor shall refund as much of the prepaid charge as may represent that portion of the permit which has been revoked.

(d) Public space, public rights of way, and public structures which are the subject of a permit issued pursuant to this subchapter may be leased or subleased only with the express consent of the Mayor.

(e) Upon the expiration or revocation of any permit issued pursuant to this subchapter, the Mayor may require, at the expense of the permittee, the immediate removal of any apparatus, structure, or device affixed or erected in public space or on a public right of way, or on a public structure, and the restoration of the public space, public right of way, or public structure to its condition prior to the issuance of the permit. If the permittee does not comply with the requirements of this section, the Mayor may remove any of the permittee's property and the cost of such removal shall be borne by the permittee.

(Apr. 9, 1997, D.C. Law 11-198, § 603, 43 DCR 4569.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1073.

Temporary Addition of Section

See Historical and Statutory Notes to § 10-1141.01.

Section 2 of D.C. Law 19-70 added a section to read as follows:

"Sec. 603a. Waiver or reduction of permit fees for the occupation of public space, public rights of way, and public structures.

"The Mayor may waive or reduce any permit fee, except for the application fee, to occupy or otherwise use public space, public rights of way, or public structures for a project that:

"(1) Is conducted by a Business Improvement District or Community Improvement District established pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*);

"(2) In the Mayor's determination, serves a public benefit;

"(3) Does not impose costs on the District government; and

"(4) Does not involve commercial sponsorship."

Section 5(b) of D.C. Law 19-70 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

See notes to § 7-1071.

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 10-1141.01.

Delegation of Authority

Delegation of authority pursuant to D.C. Act 11-429, the "Fiscal Year 1997 Budget Support Emergency Act of 1996", see Mayor's Order 96-175, December 9, 1996 (43 DCR 6981).

§ 10-1141.03A. WAIVER OR REDUCTION OF PERMIT FEES FOR THE OCCUPATION OF PUBLIC SPACE, PUBLIC RIGHTS OF WAY, AND PUBLIC STRUCTURES.

The Mayor may waive or reduce any permit fee, except for the application fee, to occupy or otherwise use public space, public rights of way, or public structures for a project that:

- (1) Is conducted by a Business Improvement District or Community Improvement District established pursuant to subchapter VIII of Chapter 12 of Title 2;
- (2) In the Mayor's determination, serves a public benefit;
- (3) Does not impose costs on the District government; and
- (4) Does not involve commercial sponsorship.

(Apr. 9, 1997, D.C. Law 11-198, § 603a, as added Dec. 2, 2011, D.C. Law 19-48, § 2, 58 DCR 8943.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2 of Public Space Permit Fee Waiver Emergency Amendment Act of 2011 (D.C. Act 19-163, October 11, 2011, 58 DCR 8892).

Legislative History of Laws

Law 19-48, the "Public Space Permit Fee Waiver Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-223, which was referred to the Committee on Environment, Public Works and Transportation. The Bill was adopted on first and second readings on July 12, 2011, and September 20, 2011, respectively. Signed by the Mayor on October 27, 2011, it was assigned Act No. 19-178 and transmitted to both Houses of Congress for its review. D.C. Law 19-48 became effective on December 2, 2011.

§ 10-1141.04. RULEMAKING.

The Mayor shall issue regulations to implement this subchapter. These regulations shall:

- (1) Provide for a nonrefundable application fee to be paid by any party applying for a permit pursuant to this subchapter. The fee shall be set in an amount to recoup some or all of the costs to the District of Columbia for reviewing the application;
- (2) Provide for the payment of a nondiscriminatory, fair, and equitable charge for any permit issued in accordance with this subchapter. The Mayor may allow a permittee to pay a fixed charge for a set period of time, pay an amount based upon the amount of the public right of way or public space used or occupied, pay an amount based upon a revenue sharing formula, or provide in-kind services to the District in lieu of a monetary payment, or the Mayor may require a permittee to pay a combination of these items. The regulations may also provide for interest to be charged on late payments of any charges imposed pursuant to this subchapter;
- (3) Generally establish categories of use and the extent to which public space, public rights of way, and public structures may be used;
- (4) Establish and regulate the process through which any impact, modification, or damage to the public space, public-rights-of-way, or public structures may be compensated, which may include the establishment of user fees, including impact and other direct-use fees, charges, and penalties. The regulations shall include provisions governing the appropriate bonding and insurance requirements which must be satisfied by any party who receives a permit issued pursuant to this subchapter, and shall provide for any permittee to provide comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this subchapter; and
- (5) Provide for the payment of a technology charge or other surcharge to be added to the fee for each permit issued under § 10-1141.03.

(Apr. 9, 1997, D.C. Law 11-198, § 604, 43 DCR 4569; Oct. 19, 2000, D.C. Law 13-172, § 504, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, § 624, 50 DCR 5668; Mar. 13, 2004, D.C. Law 15-105, § 6(a), 51 DCR 881; Sept. 24, 2010, D.C. Law 18-223, § 6012, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1074.

Effect of Amendments

D.C. Law 13-172 added par. (5), and rewrote par. (4), which previously read:

"(4) Establish and regulate the process through which any modification or damage to the public space, public rights of way, or public structure may be compensated. The regulations shall include provisions governing the appropriate bonding and insurance requirements which must be satisfied by any party who receives a permit issued pursuant to this subchapter, and shall provide for any permittee to provide comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this subchapter."

Section 503 of D.C. Law 13-172 provides:

"The amendments made by section 502 of this title to the public rights-of-way rental fees do not preclude the Mayor from further amending these same fees as authorized in section 604 of the Fiscal Year 1997 Budget Support Act of 1996 provided that the amended rates, when taken together with the other user fees, charges, and penalties collected pursuant to that section and D.C. Code § 47-2718 do not adversely impact the positive fiscal impact identified in section 506 of this title."

D.C. Law 15-39 repealed par. (5) which had read as follows:

"(5) The first \$30 million dollars of annual revenue derived from the collection of the public rights-of-way user fees, charges, and penalties established pursuant to this section shall be dedicated to the Department of Public Works for expenditures related to street and alley repairs and maintenance that would otherwise be paid out of the General Fund. Any revenues in excess of \$30 million annually from the collection of these public rights-of-way user fees, charges, and penalties shall be dedicated to the District of Columbia Highway Trust Fund".

D.C. Law 15-105, in par. (5), validated a previously made technical corrections.

D.C. Law 18-223 deleted "and" from the end of par. (3); substituted "; and" for a period at the end of par. (4); and added par. (5).

Emergency Act Amendments

See notes to § 10-1141.01.

For temporary (90-day) amendment of section, and statement of continuing amendment authorization, see §§ 503 and 504 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 §§ 503 and 504 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 624 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 624 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 6012 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 10-1141.01.

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.

For Law 15-39, see notes following § 10-834.

For Law 15-105, see notes following § 10-801.01.

For Law 18-223, see notes following § 10-701.

Miscellaneous Notes

Short title: Section 6011 of D.C. Law 18-223 provided that subtitle B of title VI of the act may be cited as the "Public Space Permit Enhancement Amendment Act of 2010".

§ 10-1141.04A. DEDICATION OF PUBLIC RIGHTS-OF-WAY USER FEES, CHARGES, AND PENALTIES.[REPEALED]

(Apr. 9, 1997, D.C. Law 11-198, § 604a, as added Oct. 19, 2000, D.C. Law 13-172, § 504(b), 47 DCR 6308; Mar. 13, 2004, D.C. Law 15-105, § 6(b), 51 DCR 881; Apr. 13, 2005, D.C. Law 15-354, § 85(a), 52 DCR

2638; Apr. 7, 2006, D.C. Law 16-91, § 112, 52 DCR 10637.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Highway Trust Fund and District Department of Transportation Emergency Amendment Act of 2005 (D.C. Act 16-206, November 17, 2005, 52 DCR 10524).

Legislative History of Laws

For Law 15-105, see notes following § 10-801.01.

For Law 15-354, see notes following § 10-801.

For Law 16-91, see notes following § 10-1001.01.

§ 10-1141.05. INSPECTION AND AUDIT OF BOOKS AND RECORDS.

The Mayor shall require a permittee to maintain specific books, records, and accounts. All books, records, and accounts of any permittee may be inspected by the Mayor, and may be inspected and audited by the District of Columbia Inspector General in order to determine whether the permittee has paid or will pay all amounts properly owed under any permit issued pursuant to this subchapter.

(Apr. 9, 1997, D.C. Law 11-198, § 605, 43 DCR 4569.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1075.

Temporary Addition of Section

See Historical and Statutory Notes following § 10-1141.01.

Emergency Act Amendments

See notes to § 10-1141.01.

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 10-1141.01.

§ 10-1141.06. SURCHARGE AUTHORIZATION.

Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

(Apr. 9, 1997, D.C. Law 11-198, § 606, 43 DCR 4569.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1076.

Temporary Addition of Section

See Historical and Statutory Notes to § 10-1141.01.

Emergency Act Amendments

See notes to § 10-1141.01.

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 10-1141.01.