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D. C. Council Form # 1

Regulation No. 69-1

Passed by the District of Columbia Council _____

January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John A. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

January ~~x~~ 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 16, *19* 69

Walter E. Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-1 1st Reading

No. _____ L. O.

No. _____ L. O.

No. _____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 6, 1969

Date to Mayor January 7, 1969

Date Returned _____

Date Resubmitted to Council _____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Winifred B. Thompson
Title Director of Public Welfare

Councilman Polly Shackleton Presents the following regulation

Regulation ordering a revision in policy concerning supplemental payments and correction of underpayments.

WHEREAS, D. C. Code, Section 3-204, specifies that: (a) The amount of public assistance which any person shall receive shall be determined in accordance with regulations approved by the Commissioners. (b) Such amount as referred to in subsection (a) of this section shall not be less than the full amount determined as necessary on the basis of the minimum needs of such person as established in accordance with such regulations; and

Action of the Board of Public Welfare dated October 28, 1949, amending regulations on "underpayments," implemented by Administrative Order 2.58/1 of the Director of Public Welfare dated October 31, 1949, is rescinded herewith;

Commissioners' Order No. 58-1166 dated July 22, 1958, on supplemental grants is rescinded herewith; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare may authorize a supplemental payment when necessary to meet the needs of its clients, according to establish budget standards. A supplemental payment is defined as the second payment to a recipient of public assistance for the same month.

Section 2. Hereafter, when a recipient of public assistance receives a payment or series of payments in an amount less than that to which he is entitled, or does not receive payments to which he is entitled, the underpayment shall be corrected retroactively to the date the underpayment first occurred.

Section 3. The action of the Board of Public Welfare, dated October 28, 1949, amending regulations on "underpayments," and implemented by Administrative Order 2.58/1 of the Director of Public Welfare, dated October 31, 1949 is hereby rescinded.

Section 4. Commissioners' Order No. 58-1166, dated July 22, 1958, relating to supplemental grants, is hereby rescinded.

Section 5. Effective Date. This regulation shall become effective upon passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading _____ and final passage on January 6, 1969

Rejected By _____ Mayor By Council _____ Over Ride Vote ☐ Aye ☐ Nay

Date _____

John W. Hechinger
Council Chairman

Stephen C. Swain
City Clerk Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

D. C. Council Form # 1

Regulation No. 69-2

Passed by the District of Columbia Council _____

January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

January 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 16, 1969 *19* 69

Walter Washington *Mayor*

2551

Council Form # 3

69-2 1st Reading

No. L. O.

No. L. O.

No. 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 6, 1969

Date to Mayor January 7, 1969

Date Returned

Date Resubmitted to Council

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Title

Councilman Polly Shackleton Presents the following regulation

Regulation to revise policy concerning disregarding certain earned income in determining need for Aid to Families with Dependent Children.

WHEREAS, Regulation No. 68-11, as implemented by Order of the Commissioner No. 68-422a, dated June 19, 1968, provides for disregarding a certain amount of income earned by recipients of Aid to Families with Dependent Children (AFDC); and

WHEREAS, the Department of Health, Education, and Welfare has issued additional requirements for State Plans to implement provisions of the Social Security Amendments of 1967.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 1(a) of Regulation No. 68-11 is amended by striking the word "monthly" and inserting in lieu thereof the word "earned".

Section 2. Sections 3 and 4 of Regulation No. 68-11 are amended to read as follows:

"Section 3. When the total family income of persons applying for AFDC, with the exception of children specified in Section 1(a) and Section 2, is sufficient to meet their needs, according to the Department's Standard for Requirements, the family is not eligible for assistance unless their needs were met by an AFDC payment in any one of the four preceding months.

"Section 4. Income earned by any person specified in Section 1(b) shall not be disregarded for any month in which the Department determines that, within 30 days preceding such month, any such person or persons, without good cause, terminated his employment, reduced his income, or refused a bona fide offer of employment."

Section 3. The amendments made by this regulation shall become effective on passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading and final passage on January 6, 1969

Rejected By Mayor By Council Date Over Ride Vote ☐ Aye ☐ Nay

John A. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

D. C. Council Form # 1

Regulation No. 69-3

Passed by the District of Columbia Council _____

January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

January 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 16 *19* 69

Walter Washington *Mayor*

2551

Council Form # 3

No 69-3 1st Reading

No ____ L. O.

No ____ L. O.

No ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 6, 1969

Date to Mayor January 7, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Damon
Corporation Counsel

Factual contents certified to by

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

Regulation to establish policy concerning contributions from non-legally responsible relatives living with recipients of public assistance.

WHEREAS, the Department of Health, Education, and Welfare requires that only income that is actually available and regular shall be considered in determining need for public assistance; and

WHEREAS, the Department of Health, Education, and Welfare requires that no inquiry shall be made of the amount of earnings of an AFDC child under 14 years of age; and

WHEREAS, the Federal Handbook of Public Assistance Administration specifies that any AFDC child who has income sufficient to meet his own needs may be removed from the assistance plan; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare shall, in determining need, consider only net income that is regularly available to the assistance unit.

Section 2. The Department shall make no inquiry concerning the amount earned by a child under the age of 14; however, any regular amount the child contributes to his parent or relative shall be considered in determining the need of the family.

Section 3.(a) The Department shall include children in the AFDC assistance unit according to the following provisions:

(1) Children under the age of 21 and attending school full time or part time, unless a child is employed full time and his earned income, in excess of any amounts that can legally be disregarded, is sufficient to meet his total requirements.

(2) Children under the age of 18 and not attending school, unless a child has income, in excess of any amounts

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading ____ and final passage on January 6, 1969

Rejected By ____ By Council ____ Over Ride Vote ☐ Aye ____ ☐ Nay ____

Mayor Date

John W. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

that can legally be disregarded or that are being conserved for his future education, which is sufficient to meet his total requirements.

(b) The income of children who are included in the assistance unit, in excess of the amount which can be disregarded or which is being conserved, shall be considered a resource in determining need.

Section 4. The Department shall use the following guidelines in counseling children not included in the assistance unit as to the amount they may contribute toward the maintenance of their home: a suggested contribution to the family of one-third of any monthly income remaining after there have been deducted from the child's net income (a) earnings that can legally be disregarded, (b) $80 for his own requirements, and (c) $50 for each of his own dependents.

Section 5. The Action of the Board of Public Welfare, dated June 29, 1951, amending regulations on "Income from Working Children," and implemented by Administrative Order 2.24/1 of the Director of Public Welfare, dated July 5, 1951, is hereby rescinded.

Section 6. This regulation shall become effective December 1, 1968.

D. C. Council Form # 1

Regulation No. 69-4

Passed by the District of Columbia Council January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January ~~7~~ 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 16 *19* 69

Walter Washington *Mayor*

2551

. C. Council Form # 3

Regulation

of the

District of Columbia

No 69-4 1st Reading

No ____ L. O.

No ____ L. O.

No ____ 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Duncan
Corporation Counsel

Date January 6, 1969

Date to Mayor January 7, 1969

Date Returned ____

Date Resubmitted to Council ____

Factual contents certified to by

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

Regulation to increase the allowance per month for personal and household requirements in Aid to Families with Dependent Children and General Public Assistance.

WHEREAS, the Social Security Amendments of 1962 increased Federal financial participation in the amount of assistance payments to recipients of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled; and

WHEREAS, Commissioners' Order No. 62-1951, dated October 16, 1962, amended Commissioners' Order No. 58-1084, the Standard for Requirements, to increase by $4.20 the allowance for personal and household requirements in Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled; and

WHEREAS, the appropriation for the Department of Public Welfare for Fiscal Year 1969 provides for increasing by $4 the allowance for personal and household requirements in AFDC and GPA, effective January 1, 1969; and

WHEREAS, pursuant to paragraph 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Commissioners' Order No. 58-1084, dated July 8, 1958, is further amended to increase the allowance for personal and household requirements by $4.00 in Aid to Families with Dependent Children and General Public Assistance, regardless of the living arrangements of the individuals.

Section 2. This regulation shall be effective January 1, 1969.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading ____ and final passage on January 6, 1969

Rejected By ____ Mayor By Council ____ Date Over Ride Vote Aye ☐ ____ Nay ☐ ____

John W. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

D. C. Council Form # 1

Regulation No. 69-5

Passed by the District of Columbia Council January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January ~~7~~ 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 16 *19* 69

Walter Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-5 1st Reading

No. _____ L. O.

No. _____ L. O.

No. _____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date: January 6, 1969

Date to Mayor January 7, 1969

Date Returned _____

Date Resubmitted to Council _____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

Regulation to increase the rates paid for recipients in intermediate care facilities.

WHEREAS, the rates for nursing care were established in the Commissioners' Standard for Requirements, Commissioners' Order No. 58-1084; and

WHEREAS, the appropriation for the Department of Public Welfare for Fiscal Year 1969 provides for increasing nursing care rates effective January 1, 1969; and

WHEREAS, the Social Security Amendments of 1967 define an intermediate care facility, as distinguished from a skilled nursing home, and such definition accurately applies to the facilities the Department of Public Welfare has in the past referred to as nursing homes; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Commissioners' Order No. 58-1084, dated July 8, 1958, is further amended to establish monthly rates for room, board and care of public assistance recipients in intermediate care facilities as follows:

Class I - $125
Class II - $165
Class III - $225

Section 2. This regulation shall be effective January 1, 1969.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading _____ and final passage on January 6, 1969

Rejected By _____ By Council _____ Over Ride Vote ☐ Aye ☐ Nay

Mayor Date

John W. Hechinger
Council Chairman

Stephen C. Swain
City Clerk
Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

D. C. Council Form # 1

Regulation No. 69-6

Passed by the District of Columbia Council _____

January 6, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

January 8, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 18 *19* 69

Walter E. Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-6 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 6, 1969

Date to Mayor January 8, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Corporation Counsel

Factual contents certified to by

Title

Councilman Hechinger, Shackleton, Anderson Pressents the following regulation

REGULATIONS GOVERNING RETAIL CREDIT SALES AND RETAIL INSTALLMENT SALES CONTRACTS IN THE DISTRICT OF COLUMBIA; PROVIDING FOR THE LICENSING OF RETAIL CREDITORS; ESTABLISHING AN OFFICE OF CONSUMER AFFAIRS; AND FOR OTHER PURPOSES

WHEREAS, Sec. 402(4) of Reorganization Plan No. 3 of 1967 transferred to The District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 1-226 with respect to making reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, Sec. 402(9) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 1-237 with respect to making investigations of municipal matters and administering oaths; and

WHEREAS, Sec. 402(391) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 47-2344 with respect to requiring a license of businesses or callings which require inspection, supervision, or regulation by any municipal agency or agencies; and

WHEREAS, Sec. 402(394, 395 and 396) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 47-2345 in the particulars described in said subdivisions of Sec. 402 of the Reorganization Plan;

NOW, THEREFORE, BE IT ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL THAT:

SECTION 1. Enactment of Regulations Governing Retail Credit Sales and for other purposes. Title 1 of the Consumer Affairs Regulations of the District of Columbia (which may be called the "Retail Credit Regulations"), which is set forth in the attached Appendix A and is incorporated in this Section by reference as if herein written, is hereby adopted.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on second reading ____ and final passage on January 6, 1969

Rejected By ____

Mayor

By Council ____

Council Chairman

Date

Over Ride Vote ☐ Aye ☐ Nay

Stephen C. Swann

City ~~Clerk~~ Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

SECTION 2. Incorporation of the Home Improvement Regulations. The regulations promulgated May 11, 1961, by Commissioners' Order No. 61-863, entitled "Regulations Governing the Conduct of Home Improvement Business in the District of Columbia", shall constitute Title II of the Consumer Affairs Regulations of the District of Columbia, and may be published as such.

SECTION 3. Incorporation of the Motor Vehicle Sales and Financing Regulations. The regulations promulgated October 20, 1960, by Commissioners' Order No. 60-2219, entitled "Regulations Governing the Businesses of Buying, Selling and Financing of Motor Vehicles in the District of Columbia," shall constitute Title III of the Consumer Affairs Regulations of the District of Columbia, and may be published as such.

SECTION 4. Authority of the Department of Consumer Affairs. All authority, powers and responsibilities vested in the Department of Consumer Affairs by Part 6 of Title I, Retail Credit Regulations, shall temporarily vest in the Commissioner until such time as the Department of Consumer Affairs is funded, staffed and operative. The Commissioner may, in his discretion, temporarily delegate all such authority, powers and responsibilities to the Director of the Department of Licenses and Inspection or to any other agency or employee of the District as he deems advisable. Such authority, powers and responsibility that temporarily vest in the Commissioner and which may be delegated by him under this section shall vest in the Department of Consumer Affairs upon the appointment of the Director of said Department.

SECTION 5. Effective Date. (a) Title I of the Consumer Affairs Regulations of the District of Columbia, as promulgated by Section 1 of this regulation, shall become effective sixty (60) days after adoption; PROVIDED, however, that the Commissioner of the District of Columbia may appoint the Director of the Department of Consumer Affairs and members of the Consumer Affairs Board immediately after adoption of this regulation.

(b) All other provisions of this regulation shall become effective immediately upon adoption.

D. C. Council Form # 1

Regulation No. 69-7

Passed by the District of Columbia Council January 21, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 21, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 30 *19* 69

Walter Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-7 1st Reading

No. _____ L. O.

No. _____ L. O.

No. _____ 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Regulation
of the
District of Columbia

Date January 21, 1969

Date to Mayor January 21, 1969

Date Returned _____

Date Resubmitted to Council _____

Factual contents certified to by

_____
Title

Councilman _____ Presents the following regulation

Amending Articles 50 through 56 of the Police Regulations of the District of Columbia (as adopted July 7, 1968, by D. C. Council Regulation No. 68-15

NOW, THEREFORE, BE IT ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL that:

SECTION 1. Amending Article 50 of the Police Regulations. Article 50 of the Police Regulations of the District of Columbia, "General Provisions" (as adopted by D. C. Council Regulation No. 68-15) is hereby amended as follows:

(a) The title of Article 50 is amended to read: "ARTICLE 50: DEFINITIONS."

(b) Article 50, Section 1 is amended by inserting following the word "Regulations" in the first sentence the parenthetical clause "(Articles 50 through 55 of the Police Regulations of the District of Columbia)."

(c) Article 50, Section 1 (k) is amended to read as follows:

"(k) 'Manufacturing' means manufacturing, producing, making or remaking any firearm, destructive device or ammunition for sale or distribution."

(d) Article 50, Section 1(m) is amended by deleting the number "56" and substituting therefor the number "55".

(e) Article 50, Sections 2 through 5 are renumbered as Sections 1 through 4 respectively and added in proper sequence to Article 55 of the Police Regulations (as said article is adopted by Section 7 hereof) with the following amendments:

(i) Article 50, Sec. 3 is amended by deleting all of subsection (c).

(ii) Article 50, Sec. 4 is amended by deleting the words "a permit to purchase" and substituting in their place the words "an application to transfer."

(f) Article 50, Sec. 6 is deleted in its entirety.

(g) Article 50, Secs. 7 through 10 are renumbered as Sections 5 through 8 and added in proper sequence to Article 55 of the Police Regulations (as said article is adopted by Section 7 hereof) with the following amendments:

(i) Article 50, Sec. 8 is amended to read as follows:

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 6, 1969 Adopted on second reading _____ and final passage on January 21, 1969

Rejected By _____ Mayor By Council _____ Over Ride Vote Aye ☐ _____ Nay ☐ _____

John W. Hechinger
Council Chairman

Date Stephen C. Swarm
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

"Sec. 6. Except for transfers to licensed dealers, no person shall loan or otherwise allow another person to possess, carry or use any firearm unless such firearm is being loaned for a legitimate purpose, and for a period not to exceed 30 days; and unless--

"(a) the person to whom the firearm is loaned possesses a valid license for such firearm issued to him pursuant to section 6 of the Act (D. C. Code, Sec. 22-3206) or to Art. 52 of these Regulations; or

"(b) such person to whom the firearm is loaned is at least fifteen years of age, does not possess a valid license because of his age, and is a member or student of an organization or school which teaches firearm safety and use. Where such circumstances exist, it shall be lawful to loan a rifle or shotgun to such person for instruction, military or military type drill, or legitimate recreational activity; Provided, that the use of the rifle or shotgun is immediately supervised by a person licensed pursuant to Art. 52 of these Regulations; and Provided, the rifle or shotgun is registered to the organization, school, parent or guardian of the user; and Further Provided, that the rifle or shotgun is surrendered immediately following its use to the organization, school, or parent or guardian of the user."

(ii) Article 50, Sec. 9(a) is amended by deleting the word "No" and substituting in its place the words "Except as provided in the immediately preceding section, no."

SECTION 2. Amending Art. 51 of the Police Regulations. Article 51 of the Police Regulations of the District of Columbia, "Requiring the Registration of Pistols, Rifles and Shotguns in the District" (as adopted by D. C. Council Regulation 68-15) is hereby amended as follows:

(a) The title of Article 51 is amended to read: "ARTICLE 51: REQUIRING THE REGISTRATION OF FIREARMS IN THE DISTRICT OF COLUMBIA."

(b) Article 51, subsections 2(b), (c), (d), and (e) are amended by amending the words "shall register" wherever they appear to read "shall make an application to register," and subsection 2(b) is further amended by deleting the word "ninety" and substituting in its place the number "120."

(c) Article 51, Sec. 3 is amended to read as follows:

"Sec. 3(a) Each application required by this Article shall contain when filed with the Chief of Police the following information:

"(1) The name, occupation, residence and business address, and date of birth of the applicant. Where the applicant is not a natural person, this information shall refer to principal officer of the applicant, and shall contain in addition the name and address of the applicant.

"(2) The make, model, caliber, or gauge, manufacturer's identification number, serial number and other identifying marks of the pistol, rifle or shotgun; and

"(3) The name and address of the person from whom the firearm was acquired, and the date and place of acquisition."

(d) Article 51, Sec. 4 is redesignated as subsection (b) of Art. 51, Sec. 3; and Secs. 5, 8 and 9 are renumbered as Secs. 4, 7 and 8 respectively.

(e) Article 51, Sec. 6 is renumbered as Sec. 5 and is amended by changing the last period in said section to a semi-colon and adding the following words : "Provided, that no natural person, regardless of the number of guns acquired or owned by him prior to the effective date of these Regulations shall be required to pay a registration fee hereunder in excess of $100 for the registration of all firearms acquired by him prior to the effective date of these Regulations."

(f) Article 51, Sec. 7 is renumbered as Sec. 6 and is amended by adding following the word "his" the word "immediate", by deleting the words "or under his custody", and by deleting the words "custody, or control" and the comma immediately preceding these words.

(g) Article 51, Sec. 10 is amended by deleting all of subsections (a) and (c); by deleting the word "directly" wherever it appears in subsection (b) (2); and by deleting all of subsection (b) (4). In addition, subsections (b) (1), (2) and (3) are redesignated as Sec. 10(a), (b) and (c) respectively.

SECTION 3. Amending Article 52 of the Police Regulations. Article 52 of the Police Regulations of the District of Columbia, "Regulating the Sale and Transfer of Pistols in the District" (as adopted by D. C. Council Regulation No. 68-15) is hereby deleted in its entirety.

SECTION 4. Amending Article 53 of the Police Regulations. Article 53 of the Police Regulations of the District of Columbia, "Regulating the Carrying of Pistols in the District" (as adopted by D. C. Council Regulation No. 68-15) is hereby deleted in its entirety.

SECTION 5. Amending Article 54 of the Police Regulations. Article 54 of the Police Regulations of the District of Columbia, "Regulating the Sale, Transfer, Possession and Carrying of Rifles and Shotguns in the District" (as adopted by D. C. Council Regulation 68-15) is hereby redesignated and adopted as Article 52, and the title of said article is amended to read "ARTICLE 52:

REGULATING THE SALE, AND CARRYING OF FIREARMS IN THE DISTRICT OF COLUMBIA."

Said article is amended to read as follows:

"Sec. 1(a) Any person who is not subject to any of the disabilities enumerated in Sec. 7 of the Act (D. C. Code, sec. 22-3207) shall be entitled to purchase a pistol within the District, and a seller is lawfully entitled to sell a pistol to such a person. No such person shall be denied the purchase of a pistol except as provided in the Act.

"(b) Any person who meets the requirement of Sec. 6 of the Act (D. C. Code, sec. 22-3206) shall be entitled to carry a pistol within the District, and no such person shall be denied a license to carry a pistol except as provided in the Act.

"(c) Any person who is not subject to any of the disabilities set forth in sec. 5(c) of this article shall be entitled to purchase and carry a rifle or shotgun in the District, and a seller shall be entitled to sell a rifle or shotgun to such a person.

"Sec. 2(a) No person shall carry either openly or concealed on or about his person any pistol unless he possesses a valid license therefor issued to him pursuant to Sec. 4 of the Act (D. C. Code, sec. 22-3204); except as otherwise authorized by said section of the Act.

"(b) No person shall purchase, own, possess or carry on or about his person any rifle or shotgun unless he possesses a valid rifle and shotgun license therefor issued to him pursuant to Sec. 5 of this Article.

"(c) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 54 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless-

"(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 5 of this Article; and

"(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application to register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale, a written notification of sale pursuant to Art. 51, Sec. 8(b).

"(d) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

"Sec. 3. Each person who is required by Sec. 8 of the Act (D. C. Code, Sec. 22-3208) to submit a statement when applying to purchase a pistol, or who is required by Sec. 4 of the Act (D. C. Code, sec. 22-3204) to have a license to carry a pistol, or who is required by sec. 2(b) of this Article to have a license to purchase or carry a rifle or shotgun shall submit such statement to the seller or an application for such license directly to the Chief of Police in the form and number prescribed by the Chief.

"Sec. 4(a) Each statement on application to purchase a pistol shall be signed by the applicant purchaser and the seller, and each application for a license shall be signed by the applicant for the license.

"(b) Each such statement or application shall contain that information prescribed by the Chief of Police which in his judgment is necessary to conduct efficient and thorough investigations, and to effectuate the purposes of the Act and these Regulations. Each statement or application shall contain at least the following information.

"(1) the full name, and any other name by which the applicant is or has been known;

"(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the submission of the statement or application.

"(3) the present business or occupation, and any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

"(4) the date and place of birth of the applicant;

"(5) the sex of the applicant;

"(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D. C. Code, sec. 22-3207), or not ineligible for a license to carry a pistol under Sec. 6 of the Act (D. C. Code, sec. 22-3206, or not ineligible under Sec. 5(c) of this Article to purchase or carry a rifle or shotgun; and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

"(7) a statement by the applicant of his need to purchase or carry a pistol, rifle or shotgun, and his intended use of the same;

"(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol, rifle or shotgun, to be purchased or carried; and

"(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

"(c) The Chief of Police may require each applicant to be fingerprinted if this in his judgment is necessary to conduct efficient and thorough investigations and to effectuate the purposes of the Act and these Regulations; Provided, that any person who has been fingerprinted by the Chief within five years prior to submitting his statement or application shall not be fingerprinted again if he offers other satisfactory proof of his identify. In addition, the Chief may require each applicant for a license to carry a pistol, or a rifle or shotgun to submit with his application two full face, black and white photographs of himself. 1 -3/4 by 1-7/8 inches in size which shall have been taken within thirty days of the filing of the application.

"Sec. 5(a) No person shall be approved by the Chief of Police to purchase a pistol if the Chief after investigation determines that a pistol could not lawfully be sold to such person under Section 7 of the Act (D. C. Code, Sec. 22-3307).

"(b) No person shall be issued a license to carry a pistol by the Chief of Police if the Chief after investigation determines that such person is ineligible for such license under Section 6 of the Act (D. C. Code, Sec. 22-3206).

"(c) Except as provided for in subsection (d) of this section, no person shall be issued a license to purchase or carry a rifle or shotgun if the Chief of Police determines after investigation that such person--

"(1) is under the age of twenty-one years;

"(2) is not of sound mind; Provided, that the Chief of Police shall determine that the person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court; or has been adjudicated a chronic alcoholic by any court; and Provided, that three years after such conviction adjudication or acquittal, the Chief of Police shall disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner;

"(3) is a drug addict; Provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is an abusive user of narcotic drugs as defined by section 4731 of the Internal Revenue Code 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch 736; Apr. 22, 1960, 74 Stat. 57 Pub. L. 88-429, sec. 4(a), (b); 26 U.S.C., sec. 4731); or (ii) is an abusive user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia", approved July 24, 1956 (70 Stat. 612, title II, sec. 202; D. C. Code, sec. 33-701);

"(4) has been convicted in any jurisdiction of a crime involving the use of physical force against a person punishable by imprisonment for more than one year, or is under indictment for such a crime; or

"(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year: any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; Provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner; or

"(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

"(7) has indicated by threatening speech or other behavior that he is likely to make unlawful use of a rifle or shotgun; or

"(8) has been adjudicated negligent in a firearms mishap causing death or injury to another human being; or

"(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D. C. Code, sec. 22-3203).

"(d) The Chief of Police shall deny a rifle or shotgun license if the Chief determines, after investigation or test, that the applicant--

"(1) does answer to one or more of the descriptions enumerated in subparagraphs (c) (1) through (c) (9) of this section; or

"(2) has failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to rifles and shotguns and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief of Police; or

"(3) has vision less than that required to obtain a valid driver's license under the laws of the District; Provided that, possession of a valid driver's license shall be prima facie evidence that an applicant's vision is not deficient.

"(e) The Chief of Police shall issue to the applicant a numbered rifle and shotgun license if the Chief determines, after investigation that the applicant does not answer to any of the descriptions enumerated in subparagraphs (c) (1) through (c) (9) of this section.

"(f) The Chief of Police may issue to an applicant between the ages of eighteen and twenty-one years old who is otherwise qualified under subsection (c) a numbered restricted rifle and shotgun license if--

"(1) the application is accompanied by a signed statement by the parent or guardian of the applicant (i) that the applicant has the permission of the parent or guardian to use a rifle or shotgun, and (ii) that the parent or guardian assumes civil liability for all damages resulting from the actions of the applicant in the use of the rifle or shotgun; and

"(2) if the applicant is not disqualified by subsection (d) in any respect except his age.

"Sec. 6. Any person in the District carrying or having in his immediate possession any pistol for which a license has been issued to him pursuant to sec. 6 of the Act (D. C. Code, sec. 22-3206), or any rifle or shotgun for which a license has been issued to him pursuant to sec. 5(e) or (f) of this Article, shall have such license within his immediate possession, and upon demand of any law enforcement officer shall exhibit his license.

"Sec. 7. Any rifle and shotgun license issued under this Article--

"(a) may include such reasonable restrictions and prohibitions consistent with applicable laws of the District with respect to the possession, purchase or carrying about of such rifle or shotgun as the Chief of Police may deem essential to the public safety or in the public interest; any license issued under section 3(d) of this Article shall be limited to use of the rifle or shotgun for sport or recreation, only during daylight hours, and only in the presence and under the supervision of a person licensed under section 5(e) of this Article.

"(b) may be revoked by the Chief of Police when he has reason to believe that the licensee no longer has the qualification requisite for the issuance of such a license: Provided, that the Chief of Police shall first issue and serve upon the licensee, an order to show cause why his license should not be revoked. This licensee may request in writing a hearing before the Chief within 5 days, and the Chief shall grant such hearing within 15 days. If the licensee does not request a hearing or show proper cause why his license should not be revoked the Chief of Police shall issue and serve upon the licensee an order revoking the license and no license issued under these Regulations shall be in effect beyond the date of an order revoking such a license.

"(c) shall expire five years after issuance unless sooner revoked.

"Sec. 8(a) Section 2(a) of this Article shall not apply to--

"(1) any person directly transporting a registered pistol to the business address of a licensed dealer for purpose of repair or sale, or to any person directly transporting such pistol from the business address of a licensed dealer to his residence, place of business or other land owned by him after the purchase or repair;

"(2) any person directly transporting a registered pistol to the residence, place of business or other land owned by the purchaser after the private sale of such pistol approved by the Chief of Police;

"(3) any person directly transporting any pistol to any police precinct house to surrender the same to the Chief of Police;

"(4) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a pistol, or transporting such pistol directly to or directly from such lawful recreational activity; Provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a pistol is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a pistol;

"(5) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard, or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a pistol, and is carrying a pistol while on duty in the performance of his official authorized functions; or

"(6) the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice as required by Section 5 of Act (D. C. Code, Sec. 22-3205).

"(b) Any pistol carried by any person not having a license issued under these Regulations shall be carried in a closed container or securely wrapped, and while being carried shall be kept unloaded. Containers of such pistols or such securely wrapped pistols shall be carried in open view.

"Sec. 9(a) Section 2(b) of this Article shall not apply to--

"(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

"(2) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, or transporting a rifle or shotgun directly to or directly from such lawful recreational activity; Provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

"(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions;

"(4) any person between the ages of 15 and 18 years of age uses a rifle or shotgun as authorized by Art. 55, sec. 8(b) of these Regulations.

"(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a nonresident of the District who is a citizen of the United States and who does not have a license issued under this Article; Provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

"(c) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container."

SECTION 6. Amending Article 55 of the Police Regulations. Article 55 of the Police Regulations of the District of Columbia, "Regulating and Licensing Dealers in Dangerous Weapons" (as adopted by D. C. Council Regulation No. 68-15), is hereby redesignated and adopted as Article 54 of said Regulations, amended as follows:

(a) Article 55 is amended by deleting "Art. 55" wherever it appears and substituting in lieu thereof "Article 54."

(b) Article 55, Secs. 4(b) and (c) are amended by inserting the word "such" after the word "If" in each section.

(c) Article 55, Sec. 5(a) is amended by deleting the words "Article 52 and 54" and substituting in lieu thereof the words "Section 7 of the Act (D. C. Code, Sec. 22-3207) or Article 52, Sec. 5(c)."

(d) Article 55, Sec. 6(b) is amended by deleting the words "Article 53, Sec. 3 of these Regulations" and the words "Article 53, Sec. 3" and substituting in lieu thereof the words "Section 6 of the Act (D. C. Code, Sec. 22-3206)."

SECTION 7. Amending Article 56 of the Police Regulations. Article 56 of the Police Regulations of the District of Columbia, "Miscellaneous Provisions" (as adopted by D. C. Council Regulation 68-15), is hereby redesignated and adopted as Article 55 of said Regulations, and is amended as follows:

(a) Article 56, Sections 1 through 5 are renumbered and adopted as Sections 10 through 14, respectively, provided that Sec. 5 is amended to read as follows:

"Sec. 14. These Regulations shall become effective on February 15, 1969; provided that the Chief of Police may accept applications for registration of firearms immediately upon adoption of these Regulations."

(b) Sections 1 through 4 of Article 55 are adopted as amended by Sec. 1(e) hereof.

(c) Sections 5 through 8 of Article 55 are adopted as amended by Sec. 1(g) hereof.

(d) Section 9 of Article 55 is adopted as follows:

"Sec. 9. The Chief of Police is hereby authorized to issue and promulgate such other orders, rules and regulations as he deems necessary to carry out the purposes of the Act and these Regulations."

Appendix A

CONSUMER AFFAIRS REGULATIONS OF THE DISTRICT OF COLUMBIA

Title I

Regulations Governing Retail Credit Sales and Retail Installment Sales Contracts in the District of Columbia; Providing for the Registration of Retail Creditors; Establishing an Office of Consumer Affairs; and for Other Purposes.

PART 1. DEFINITIONS

Sec. 1.101. As used in this Title, unless the context requires a different meaning:

a. "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

b. "Council" means the District of Columbia Council or its designated agent.

c. "Director" means the Director, Department of Licenses and Inspections, or his designated agent.

d. "Department" means the Department of Consumer Affairs, the Director of said Department, or his designated agent.

e. "District" means the District of Columbia.

f. "Consumer goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods; but the term "consumer goods" does not include goods acquired for commercial or business use or for resale, nor shall such term include any motor vehicle as such term is defined in the first section of the Act approved April 22, 1960 (74 Stat. 69; title 40, ch. 9, D. C. Code), providing for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

g. "Cash price" of goods or services means the price at which the goods or services are advertised or offered for sale whichever is lower, by the seller to cash buyers in the ordinary course of business and may include, if separately itemized, any applicable taxes. The cash price of goods may include the cash price of delivery, installation, servicing, repairs, alterations, or improvements if no separate charge is made for such services. The amount by which the cash price stated in a retail installment contract exceeds the cash price of goods or services offered for sale by the seller to other buyers in the ordinary course of business shall be deemed a finance charge.

h. "Outstanding balance" means the total amount remaining to be paid by the buyer to discharge buyer's obligation to the seller and to any assignee of seller.

i. "Person" means an individual, firm, concessionaire engaged in retail installment transactions in its own name, partnership, joint stock company, corporation, association, incorporated society, statutory or common law, trust, estate, executor, administrator, receiver, trustee, conservator, liquidater, committee, assignee, officer, employee, principal, or agent.

j. "Retail buyer" or "buyer" means a person who buys consumer goods or services from a retail seller in a retail installment transaction.

k. "Open-end credit agreement" means a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed onthe outstanding unpaid balance from time to time thereafter.

l. "Retail installment contract" means a contract entered into by a retail buyer and a retail seller evidencing a retail installment transaction.

m. "Retail installment transaction" means any retail transaction between a retail seller and a retail buyer in which there is an agreement for the purchase of consumer goods, or services, or both consumer goods and services, for which the price is to be paid in one or more deferred installments, and such term shall include any transaction involving a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay compensation for the use of the consumer goods or services or both which are the subject of such contract and it is agreed that the bailee or lessee is bound to become, or, for no further,

or a merely nominal, consideration, has the option, upon full compliance with the provisions of the bailment or lease, of becoming the owner of the consumer goods or services, or both; except that the term shall not include any retail transaction in which the purchase price is to be paid in full within not more than ninety days from the initial billing date, and no security interest in the consumer goods is retained by the seller and no other collateral or security is required or accepted by the seller, and no charge is made as consideration for the deferral of payment or as an incident to the extension of credit. For the purposes of this Title, "security interest", "collateral" and "security" shall not be construed to include any mechanic lien.

n. "Retail seller" or "seller" means a person engaged in the District of Columbia in the business of selling consumer goods or services in retail installment transactions, whether (1) by consummating transactions in the District or (2) by (a) holding out in the District, by maintaining a place of business or in any other manner that the person so holding out sells consumer goods or services, or both; and (b) performing in the District one or more acts resulting in the making of a retail installment transaction or the collection of a debt arising from a retail installment transaction.

o. "Services" means work, labor, or other kind of activity furnished, or agreed to be furnished, primarily for personal, family, or household use, and not for commerical or business use, whether or not furnished or agreed to be

furnished in connection with the delivery, installation, servicing, repair, or improvement of consumer goods; but the term "services" shall not include work, labor, or other activity furnished or agreed to be furnished for which the price or tariff charged or to be charged is required by law to be determined or approved by, or to be filed, subject to approval or disapproval, with the United States, or the District, or a department, division, agency, officer, or official of either of such governments.

p. "Finance charges" means the sum of all the charges directly or indirectly payable by a retail buyer, as an incident to the extension of credit in a retail installment transaction, including, but not limited to amounts deemed a finance charge under paragraph "g" of this Title, loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, and, except as stated below, charges or premiums for credit life, accident, or health insurance or for any guarantee or insurance protecting the creditor against obligors default or other credit loss. If itemized and disclosed in compliance with Sec. 3.104 or these regulations, the term finance charges does not include: (i) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to a retail installment transaction;

or (ii) taxes; or (iii) charges or premiums for credit life, accident, or health insurance for any guarantee or insurance protecting the creditor against obligor's default or other credit loss, lawfully written in connection with any retail installment transaction, if:

(1) The coverage of the debtor by the insurance is not a factor in the approval by the creditor of the extension of credit, the debtor is given the option to accept or reject such insurance coverage, and these facts are disclosed orally and in writing to the person applying for or obtaining the extension of credit; and

(2) The person to whom the credit is extended gives a specific written affirmation of his desire to obtain insurance after written disclosure to him of the cost thereof; and

(3) The person extending the credit fully discloses in writing such interest, commission, or rebate as will inure to his benefit by the buyer's obtaining the insurance coverage offered by the seller.

q. "Sales finance company" means any person other than a retail seller, engaged in whole or in part, in the District of Columbia, in the business of purchasing retail installment contracts or instruments of security arising from retail installment transactions, from one or more retail sellers. Any person (1) who purchases such contracts or instruments in the District; or (2) who (a) holds out in the District by maintaining a place of business or in any other manner that he purchases such contracts or instruments, and (b) performs one or more acts in the District resulting in either the purchase of such

contracts or instruments, or the collection of the debt or enforcement of the security interest arising from such contract or instrument, shall be deemed to be engaging in the business in the District of Columbia for the purpose of these regulations.

r. "Annual Percentage Rate" means, (1) in the case of retail installment transactions other than under an open end credit plan, (a) that nominal annual percentage rate which will yield a sum equal to the amount of the finance charge when it is applied to the unpaid balances of the amount financed, calculated according to the actuarial method of allocating payments made on a debt between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed; or (b) that percentage rate calculated in accordance with regulations issued by the Federal Reserve Board, pursuant to its authority under Sec. 107 of the Consumer Credit Protection Act (P.L. 90-321);(2) in the case of any extension of credit under an open-end credit plan, that quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year.

PART 2. LICENSES AND FEES

Sec. 2.101. License required. No person shall in the District of Columbia engage in the business of retail installment transactions, or in the business of a sales finance company, as these terms are defined in Secs. 1.101 (m) and (q) without first having obtained a license.

Sec. 2.102. Application for a license. (a) Every person required to be licensed under this Title shall submit in writing an application to the Director. Every application shall be signed by such person or the principal officer thereof, and shall be in such form and contain such information as the Director shall by regulation require.

(b) Every application for a license under this title shall contain, without limitation:

(1) name of the person;

(2) name in which business is transacted if different from (1);

(3) address of principal office, which may be outside the District of Columbia;

(4) address of all offices or retail stores, if any, in the District at which retail installment transactions are made, or in the case of a person taking assignments of obligations, the offices or places of business within the District at which business is transacted;

(5) name and home address of the chief executive officer;

(6) names and home addresses of the persons, up to ten in number, who hold or own the largest beneficial interest in the person (firm, etc.)

engaged in retail installment transactions;

(7) all parent and subsidiary companies and companies under common ownership which engage in retail installment transactions or sales financing in the District of Columbia;

(8) if retail installment transactions are made otherwise than at an office or retail store in the District, a brief description of the manner in which they are made; and

(9) name and address of attorney-in-fact or general agent upon whom service of process may be made in the District.

(c) Every person required to be licensed shall submit with his application the fee required by Sec. 2.10 of these regulations, and a copy of every retail installment contract form used by him at the time of submission of his application.

(d) If information in an application becomes inaccurate after filing, the Director must be notified with an amended notification within 20 calendar days from the date information becomes available.

Sec. 2.103. Notice of application. Upon the filing of any application, the Director shall give due notice thereof to the public in such manner as the Director may by regulation prescribe. Any person may file with the Director a statement of opposition to or in support of the issuance of a license.

Sec. 2.104. Qualifications for a license. (a) No person shall be issued a license under this Title unless such person, or the principal officer thereof--

(1) shall be at least twenty-one years of age;

(b) (1) No person shall hold himself out or engage in the business of retail installment transactions or sales financing as a licensee under any name other than the name appearing on his license.

(2) Any licensee desiring to conduct his business under a name other than that stated in his license shall file with the Director an application to change such name and shall surrender his existing license. The Director shall issue a new certificate setting forth such new name, together with the statement that such licensee formerly conducted his business under such old name.

(c) A license issued under these regulations shall not be transferrable or assignable.

Sec. 2.106. Effective date and duration of license. Every license shall be effective for one license year beginning on the 1st day of November of the year issued and shall continue in effect until the 31st day of October following, unless such license is issued for a shorter time pursuant to D. C. Code, Sec. 47-2305, or unless such license is sooner suspended or revoked as hereinafter provided.

Sec. 2.107. Continuance of business until dispostion of license application. The Director shall by regulation set a date by which persons required to be licensed must file applications for a license. Any person who has duly filed an application by that date may continue to engage in business already licensed until the final disposition of his license application.

Sec. 2.108. Posting of License. The licensee shall have each valid license framed under glass and shall post or cause the license to be posted in a conspicuous place in the licensee's principal place of business. If a licensee has more than one place of business, the address of every such place shall appear on his certificate of license, and a duplicate certificate bearing the same information appearing on the original shall be obtained from the Director for each address other than the first. Where the licensee transacts business as a solicitor, or in other door-to-door vendor operations, licensee shall produce, upon demand by buyer, a copy of said license to be shown to the buyer.

Sec. 2.109. Appointment of Attorney-in-Fact or General Agent.

(a) Every person covered under this Title, who is a nonresident of the District of Columbia, shall appoint or employ and maintain in the District an attorney-in-fact or general agent who is a resident of the District, upon whom all judicial and other process or legal notice directed to such person may be served, and shall notify the Director of such appointment or employment, and the name and address of the appointee or employee.

(b) Within five business days after any change in the appointment or employment of the attorney-in-fact or general agent, every nonresident person covered under this Title shall notify the Director of the identity and the address of the substituted appointee or employee.

(c) Upon certification to the Director by any officer of the District required to serve notices in connection with the operation of a retail

installment transaction business that a nonresident person or the attorney-in-fact or general agent of a nonresident person cannot be found after reasonable search, or that the attorney-in-fact or general agent has not been appointed, proceedings against the nonresident person may be instituted by serving notice upon the Director who shall be an agent upon whom any process against such person may be served and upon whom any notice or demand required or permitted by law to be served upon such person may be served. Service on the Director of any such process, notice or demand shall be made by delivering to and leaving with the Director, or with any clerk having charge of his office, duplicate copies of such process, notice or demand. In the event of such service, the Director shall cause one of such copies to be forwarded by registered or certified mail, addressed to the last known address of such person.

(d) The Director shall keep a record of all processes, notices, and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Sec. 2.110. Procedure for denial, suspension or revocation of licenses. (a) On petition or complaint or on his own initiative, the Director may deny, suspend or revoke any license issued under this Title, or place it in probationary status in the manner hereinafter provided.

(b) Whenever the Director finds probable cause to deny, suspend or revoke a license or place it in probationary status, he shall serve upon the applicant or licensee a proposal of revocation, suspension,

denial or probation which shall:

(1) be in writing and be signed by the Director;

(2) state the facts constituting the basis for the action proposed;

(3) indicate, where applicable, each provision of statute or regulation violated or not complied with;

(4) state the action he proposes to take in the matter;

(5) advise that he will take the proposed action unless, within 15 calendar days following service of the proposal, the licensee or applicant request in writing a hearing on the proposed action.

(c) Such proposal shall be deemed to be properly served upon the person to whim it is directed when it or a copy of it is:

(1) served on him personally, his attorney-in-fact or general agent; or

(2) mailed by certified mail, postage prepaid, to the address stated on the license, or on the application in case of an applicant, and not returned, by the post office authorities. If any notice mailed as authorized by the preceding sentence be returned by the post office authorities by reason of refusal of the addressee to accept delivery, it shall be deemed to have been served on the addressee by mail.

Sec. 2.111. Hearings. (a) Upon written request, the licensee or applicant is entitled to a hearing on the question of his qualifications for a license if;

(1) The Director has served upon such person a proposal pursuant to Sec. 2.110; or

(2) The Director has failed to issue a license within 60 days after the application for the initial application was filed.

(b) Within 5 days, following receipt of a request for a hearing, the Director shall designate a time and place for such hearing and shall notify the licensee or application of such designation. No hearing shall be held sooner than 15 days following receipt of a request for a hearing.

(c) At the hearing, the licensee or applicant shall be given the opportunity to show compliance with all lawful requirements for retention or granting of the license. The Director may take the action described in the proposal, or any lesser action, if he finds following the hearing, that:

(1) the licensee has repeatedly and willfully violated these regulations or any rule or order lawfully made pursuant to these regulations; or

(2) facts or conditions exist which would clearly have justified the Director in refusing to grant a license had these facts or conditions been known to exist at the time the application for the license was made.

(d) Notwithstanding any other provision of this section, no license shall be revoked or suspended for more than 30 days unless a cease and desist order has been issued against the licensee for the same conduct or conduct substantially the same as that complained of in the Director's proposal to suspend or revoke.

(2) shall be fit, willing and able to conduct the business for which the license is sought and to comply with these regulations, other laws applicable to retail installment transactions and to sales finance companies, and the rules, regulations and requirements of the Department hereunder;

(3) shall not have been engaging in extensive or continuous conduct that violates these regulations, and other laws applicable to retail installment transactions, or sales finance companies; and

(4) shall not have engaged in a course of unconscionable or fraudulent conduct in connection with retail installment transactions.

(b) If the Director is satisfied that such person or the principal officer thereof has met the required qualifications he shall issue the license.

(c) All qualifications set forth in these regulations as prerequisite to the issuance of any license shall be maintained during the entire license period. Failure so to maintain any such qualification shall be cause for suspension, or revocation of such license, pursuant to Sec. 2.107 of these regulations.

Sec. 2.105. Licenses. (a) Every certificate of license shall be issued in the true and lawful name of the person thereby authorized to conduct business as a retail seller or sales finance company and shall contain the name under which such business will be conducted, the address or addresses at which such business is to be conducted, the period for which granted, and the date of issuance. Each certificate of license shall be signed by the Director.

(e) After each hearing the Director shall enter such orders as he deems appropriate, and shall serve upon the licensee or applicant notice of his findings and a copy of the order. Such notice shall contain a statement of the licensee or applicant's right to an appeal. No order shall take effect sooner than 7 calendar days following service upon the licensee or applicant, or until finally reviewed by the Board of Appeals and Review if appealed pursuant to the following section

Sec. 2.112. Appeal procedures. (a) Any person upon whom an order has been served pursuant to the preceding section may file with the Board of Appeals and Review a written notice of appeal within 7 calendar days following service upon him of such order.

(b) Hearings on appeal shall follow procedural rules for review promulgated by the Chairman of the Board of Appeals and Review and such rules shall prescribe the scope of the review.

(c) The record on appeal shall consist of the entire record made before the Director. Evidence and points not presented to the Director shall not be considered by the Board of Appeals and Review.

(d) Oral hearings shall be ordered upon request by the appellant or upon the motion of the Chairman of the Board of Appeals

Sec. 3.109. Referral Sales. With respect to any retail installment transaction the seller may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer as an inducement for a sale in consideration of his giving to the seller the names of prospective purchasers, or otherwise aiding the seller in making a sale to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer agrees to buy. If a buyer is induced by a violation of this section to enter into a retail installment transaction, the agreement is unenforceable by the seller and the buyer, at this option, may rescind the agrrement or retain the goods delivered and the benefit of any services performed, without any obligat ion to pay for them.

Section 3.110. Advertising.

(a) No person covered by these regulations shall engage in false or misleading advertising concerning the terms or conditions of credit with respect to retail installment transaction.

(b) Among other provisions and without limitation, an advertisement with respect to a retail installment transaction, made by the posting of a public sign, or by a catalog, magazine, newspaper, radio, television, or similar mass media, is to be considered misleading if:

(1) it states the rate of finance charge and the rate is not stated in the form required in the disclosure sections of this regulation; or

(2) it states the dollar amounts of the finance charge or installment payments, and does not also state the rate of any finance charge and the number and amount of the installment payments.

(c) Among other provisions and without limitation, no advertisement to aid, promote, or assist directly or indirectly any retail installment transaction, may state:

(1) that a specific periodic consumer credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount.

(2) that a specified downpayment is required in connection with any extension of consumer credit, unless the creditor usually and customarily arranges downpayments in that amount.

(d) For purposes of this section, a catalog or other multiple-page advertisement is considered a single advertisement if it clearly and conspicuously displays a credit terms table setting forth the information required by this section.

(e) This section imposes no liability on the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

Sec. 3.111. Sales Made by Telephone or Mail. If a creditor receives a purchase order by mail or telephone without personal solicitation by the creditor, and the cash price and the method of determining the deferred payment price and the terms of financing, including the annual percentage rate, are conspicuously set forth in the seller's catalogued or other printed material distributed to the public, then the disclosures required under Sec. 3.104 may be made at any time not later than the date on which the first payment is due. Such a sale shall not be subject to the requirements of Secs. 3.101, 3.102 and 3.103 if the seller delivers to the buyer, not later than the time of delivery of the goods or services, a memorandum of the sale containing all of the essential elements of the contract and the disclosures required

by Sec. 3.104.

Sec. 3.112. No person subject to these regulations shall engage in fradulent or unconscionable conduct in the making or collection of a retail installment contract.

and Review. Oral argument shall be restricted to the record on appeal and points raised in the appellant's brief. Where no oral argument is ordered, the Board will consider and decide the appeal on the basis of the documents filed and the record on appeal.

(e) The Board of Appeals and Review shall either affirm or reverse the order entered by the director. Orders reversed by the Board shall have no effect, and orders affirmed shall become effective as ordered by the Board following service upon the appellant of notice of its findings and conclusions.

Sec. 2.112. License fees. Every person required to obtain a license under this Title shall submit with his application a license fee fixed by the Commissioner with the approval of the Council. The Director may designate different classes of licensees and license fees for the various classes need not be identical.

Sec. 2.113. Records and annual reports.

(a) Every person covered by these regulations shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the Director to determine whether that person is complying with the provisions of these regulations. The record keeping system of any person covered by these regulations shall be sufficient if he makes the required information reasonably available. The records need not be kept in the place of business in the District if the Director is given free access to the records wherever located.

(b) On or before April 15 of each year, every person covered by these regulations shall file with the Director a composite annual report for the license year ending the preceding October in the form prescribed by the Director. The Director shall consult with comparable officials in other states for the purpose of making the kinds of information required in annual reports uniform among the states and the District. Information contained in annual reports shall be confidential and may be published only in composite form.

Sec. 2.114. Examinations and investigations.

(a) The Director shall periodically examine at such intervals as he deems appropriate the transactions, business, and records of every person covered by these regulations. In addition, for the purpose of discovering violations of these regulations or securing information lawfully required, the Director may at any time investigate the transactions, business, and records

of any licensee or registree. For these purposes, he shall have free and reasonable access to the offices, places of business, and records of businesses.

(b) If records are located outside the District, the licensee or registree shall, at his option, either make them available to the Director at a convenient location within the District, or pay the reasonable and necessary expenses for the Director or his representative to examine them at the place where they are maintained. The Director may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

(c) For the purposes of this section, the Director may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidance.

(d) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Director may apply to the Council for appropriate action.

PART 3. THE RETAIL INSTALLMENT CONTRACT AND CONDUCT RELATING TO RETAIL INSTALLMENT TRANSACTIONS

Sec. 3.101. Single Documents; General Provision for Form and Contents.

(a) Every retail installment contract shall be contained in a single document, each page of which shall be signed by both the buyer and the seller. The contract shall be completed as to all provisions before it is signed by the buyer. Each such contract shall include the name, address, and telephone number of both the seller and the buyer, a description of the goods or services purchased, a description of collateral securing the buyer's obligations under the agreement, if any, and at the top of the first page of the agreement in at least twelve-point extrabold type the words "Retail installment contract." The description of goods purchased shall include where applicable: the manufacturer's name, model year, model number, latest suggested retail price, and a statement whether the goods are used, seconds or damaged.

(b) Prior to delivery of the consumer goods or services, the seller shall furnish a copy of the retail installment contract to the buyer.

(c) The printed terms of every retail installment contract shall be clearly legible. If the terms of a retail installment contract are contained on both sides of a page, there shall appear on the first page the following words in boldface type, "The terms of this contract are contained on both sides of this page." If the terms of a retail installment contract are contained on more than both sides of each preceding page, the following words shall appear on each page in boldface

type, "The terms of this contract are contained on more than one page."

Section 3.102. Signing blank or incompleted form prohibited. No person covered by these regulations shall cause or permit any contract or other document relating to a retail installment transaction to be signed by the buyer before all blank spaces (other than signature spaces) are filled in with easily legible writing and such seller has submitted to the buyer the completed contract or other document and given him a reasonable opportunity to examine it. Each contract shall contain a notice, satisfactory

to the Department, in bold type no smaller than 10-point stating in substance that the buyer shall not sign the contract in blank and that the buyer is entitled to a readable copy of the contract at the time he signs it.

Sec. 3.103. Delivery of Copy of Completed Contract to Buyer: Acknowledgment of Delivery. Seller shall deliver to the buyer, or mail to him at his address shown on the retail installment contract, a legible, executed and completed copy thereof. Any acknowledgment by the buyer of delivery of a copy of the contract or compliance by the seller with the requirements of 3.102 shall be a rebuttable presumption of such delivery and such compliance. Acknowledgments may contain statements to the effect t at "buyer acknowledges that before buyer signed the contract, seller submitted the contract to buyer with all blank spaces filled in, that buyer had a reasonable opportunity to examine it, and that thereafter a legible, executed and completed copy thereof was delivered to buyer."

Sec. 3.104. Disclosure.

(a) There shall be included on the first page of every retail installment contract not under an open end credit plan, in such order as can be clearly and easily understood, the dollar amounts of the following items, if applicable:

(1) the cash price of the consumer goods or services purchased, itemized to differentiate between the cash price of such goods and the cash price of such services;

(2) All other costs, individually described and itemized, for incidental services, as defined in Sec. 1.101(g);

(3) the sum of any amounts credited as downpayment, including any trade-in, itemized to show the amounts paid in money and in goods, with a description of such goods, if any, sufficient to identify them;

(4) the sum of the amounts in paragraphs (1) and (2) less the amount in paragraph (3);

(5) all other charges, individually described and itemized, which are included in the amount of the credit extended but which are not part of the finance charge as defined in Title I (g) of these regulations;

(6) the total amount to be financed (the sum of the amounts described under (3) and (4) above);

(7) the amount of the finance charge;

(8) the total amount due (the sum of (6) and (7) above);

(9) the finance charge expressed as an annual percentage rate;

(10) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness;

(11) the default, delinquency, or similar charges payable in the event of late payments; and

(12) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(b) If a retail installment transaction is one of a series of retail installment transactions made pursuant to an agreement providing for the addition of the deferred payment price of that sale to an existing outstanding balance, and the person to whom the credit is extended has approved in writing both the annual percentage rate or rates and the method of computing the finance charge or charges, and the creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sales price including any finance charges attributable thereto, then the disclosure required under subsection (a) for the particular sale may be made at any time not later than the date the first payment for that sale is due. For the purpose of

this subsection, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

(c) Disclosure in Open-End Credit Agreement.-

(1) Before opening any account under an open-end credit agrement, the seller shall, to the extent applicable, disclose in writing to the buyer-

(a) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge;

(b) the method of determining the balance upon which a finance charge will be imposed;

(c) the method of determining the amount of the finance charge, including any minimum or fixed amount imposed as a finance charge.

(d) where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding nominal annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) If the creditor so elects,

(i) the average effective annual percentage of rate of return received from accounts under the plan for a representative period of time; or

(ii) whenever circumstances are such that the computation of a rate under subparagraph (i) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from accounts under the plan.

The Department shall prescribe regulations, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph.

(f) the conditions under which any other charges may be imposed, and the method by which they will be determined.

(g) the conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended under the plan, and a description of the interest or interests which may be so retained or acquired.

(2) The creditor of any account under an open-end consumer credit plan shall transmit to the obligor, for each billing cycle at the end of which there is an outstanding balance in that account or with respect to which a finance charge is imposed, a statement setting forth each of the following items to the extent applicable:

(a) the outstanding balance in the account at the beginning of the billing period;

(b) the amount and date of each extension of credit during the period and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased;

(c) the total amount credited to the account during the period;

(d) the amount of any finance charge added to the account during the period, itemized to show the amount, if any, due to the application of a percentage rate and the amount, if any, imposed as a minimum or fixed charge;

(e) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and, unless the annual percentage rate is required to be disclosed pursuant to paragraph (f), the corresponding nominal annual percentage rate determined by multiplying the periodic

rate by the number of periods in a year.

(f) Where the total finance charge exceeds 50 cents for a monthly or longer billing cycle, or the pro-rata part of 50 cents for a billing cycle shorter than monthly, the total finance charge expressed as an annual percentage rate, except that if the finance charge is the sum of two or more products of a rate times a portion of the balance, the creditor may, in lieu of disclosing a single rate for the total charge, disclose each such rate expressed as an annual percentage rate, and the part of the balance to which it is applicable.

(g) At the election of the creditor, the average effective annual percentage rate of return (or the projected rate) under the plan as prescribed in subsection (1) (e).

(h) The balance on which the finance charge was computed and a statement of how the balance was determined. If the balance is determined without first deducting all credits during the period, that fact and the amount of such payments shall also be disclosed.

(i) The outstanding balance in the account at the end of the period.

(j) the date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

(3) If a seller adds to this billing under an open-end credit plan one or more installments of other indebtedness from the same obligor, the creditor is not required to disclose under this subsection any information which has been disclosed previously in compliance with subsection (A).

(d) Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(e) If information disclosed in accordance with this section is subsequently rendered inaccurate as the result of a pre-payment, late payment, adjustment, or amendment of the retail installment contract through mutual consent of the parties or as permitted by law, or as the result of any act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom shall not constitute a violation of this section.

(f) In the case of any open end consumer credit plan in existence on the effective date of this subsection, the items described in subsection (b), to the extent applicable, shall be disclosed in a notice mailed or delivered to the obligor not later than thirty days after that date.

Sec. 3.105. Completion Certificate Invalid Unless True. - In any transaction involving the modernization, rehabilitation, repair, alteration, improvement, or construction of real property, a writing signed by the buyer that such work has been satisfactorily completed shall not be valid nor of any effect unless the work to be performed by the seller has been actually completed prior to the time of signing.

Sec. 3.106. Waiver of Regulations Prohibited. No provision shall be inserted in any retail installment contract or extension or refinancing agreement designed to nullify and make ineffective the provisions of this regulation, or otherwise deprive a retail buyer of the protection afforded him by this regulation, nor shall any provision be inserted in any such contract or agreement whereby the buyer waives or purports to waive any provision of this regulation. The insertion in any such contract or agreement of a provision designed or intended to nullify this regulation, or to waive the requirements of this regulation, shall constitute a violation of this regulation, and, in addition, such provision shall be void and of no effect.

Sec. 3.107. Third Party Transactions. Any promissory note taken in connection with a retail installment contract subject to these regulations shall state on its face: "This instrument is subject to a retail installment contract."

Section 3.108. Contract forms requirements. No person subject to these regulations shall use any contract form or any other instrument arising in connection with a retail installment transaction which provides:

(a) any schedule of payments under which any one installment, except the downpayment, is not equal or substantially equal to all other installments, excluding the downpayment, or under which the intervals between any consecutive installments differ substantially, except that --

(1) the intervals for the first installment payment may be longer or shorter than the other intervals,

(2) the final installment payment may be less in amount than the preceding installment payment, and

(3) where a buyer's livelihood is dependent upon seasonal or intermittent income, the seller and the buyer may agree that one or more installment payments in the schedule of payments may be reduced or deferred;

(b) any provision for the acceleration of the time when any part or all of the indebtedness becomes payable other than for a substantial default in payment or performance by the buyer, or on the same grounds as would authorize an attachment before judgment under paragraphs (3) through (5) of subsection (d) of section 16-501 of the District of Columbia Code;

(c) any provision by which the buyer agrees not to assert against a seller, or against an assignee, any claim or defense arising from the sale of the consumer goods or services which are the subject matter of the contract.

(d) any provision by which the buyer grants authority to the seller or assignee to enter the buyer's premises without consent obtained immediately prior thereto in the repossession of the collateral, if any;

(e) any provision by which the buyer waives any right of action against the seller, assignee or other person acting on behalf of either, for any illegal act committed in the collection of payments under the contract or in the repossession of goods;

(f) any provision whereby the buyer executes a power of attorney appointing the seller, assignee, or other persons acting in the seller's behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of collateral security; and

(g) Notwithstanding any other provision of this section, any written provision in a retail installment contract or agreement which provides for settlement by arbitration of any controversy thereafter arising out of or related to such contract or agreement or breach thereof, or any agreement in writing to submit to arbitration any such controversy, shall be valid and enforceable under these regulations.

PART 4. PAYMENTS

Sec. 4.101. Receipts: Statement of Account -

(a) When any payment is made on account of any retail installment contract, the seller receiving such payment shall, if the payment is made in cash, give the buyer a complete written receipt therefor. If the buyer specifies that the payment is made on one of several obligations, the receipt shall so state.

(b) (1) Within six months after the execution of a retail installment transaction, including an open-end credit agreement, and within every six-month period thereafter until the buyer has discharged all his obligations under the contract, the seller or a subsequent assignee, in addition to any other statements or notices required by these regulations, shall send to the buyer upon written request a statement of account which shall list the following items designated as such:

(a) the amounts of each of the payments made by him or on his behalf, or the sum of the payments made by him or on his behalf during each billing period, depending on the manner in which the seller or assignee maintains his records, and setting forth any refunds and any payments to charges for delinquencies, expenses of repossession and extension, to the date of the statement of account but not to exceed a period of three years prior to such request;

(b) the amounts, if any, which have become due but remain unpaid, setting forth any charge for delinquencies, expenses of repossession and extensions; and

(c) the number of installment payments and the dollar amount of each installment not due but still to be paid and the remaining period the agreement is to run.

(2) The buyer shall be entitled to only one such statement in any six-month period free of charge. The sum of $1 may be charged for each additional written

statement requested by the buyer before supplying such additional written statement.

Sec. 4.102. Acknowledgment of Payments. Promptly on written request and in any event within sixty days after payment of all sums for which the buyer is obligated under a retail installment contract, the seller or assignee shall mail or shall deliver to the buyer, at his last known address, sufficient instruments to indicate payment in full and to release all security in the collateral, if any, under such contract.

PART 5. REPOSSESSION

Sec. 5.101. Repossession. When a buyer is in default in the payment of any sum due under a Retail installment sales contract or in the performance of any condition which it lawfully requires him to do in order to obtain ownership of consumer goods, the secured party may when authorized by law repossess the goods. Unless the goods can be repossessed with the permission of the possessor obtained immediately prior to such repossession, and withou use of force, intimidation, undue influence, fraud, or breach of the peace, they shall be repossessed by legal process. Nothing herein shall be construed to authorize a violation of the criminal laws of the District of Columbia.

Sec. 5.102. Duties on Repossession and Buyer's Right of Redemption.

(a) Within five days after any consumer goods are repossessed, the seller or subsequent assignee shall deliver to the buyer personally, or send him by registered or certified mail to his last known address, a written notice stating:

(1) that the goods, including a general description thereof, have been repossessed; (2) the buyer's right to redeem and the amount due and payable; (3) the buyer's rights as to a resale and his possible liability for a deficiency, and (4) the exact address where the consumer goods are stored and the exact address where any payment is to be made or notice delivered.

(b) For 30 days after notice has been delivered personally or mailed, the seller or assignee shall retain or store the repossessed goods within the District of Columbia or within the State or county, where it was located when repossessed, during which period the buyer may redeem the goods and become entitled to take possession thereof. Notwithstanding any other provisions of these regulations, the redemption period provided for in this subsection may be waived by written agreement made and entered into by and between the buyer and the retail seller after the goods have been repossessed: Provided, That such agreement includes a provision releasing and discharging the buyer from any claim by the seller or assignee for deficiency and discharging the seller or assignee from any claim by the buyer for overage. If goods are repossessed under legal process and an adequate bond is posted to protect the buyer, the seller or assignee may store goods repossessed in the District of Columbia outside the District but not fee or cost shall be charged to the buyer incident to transporting the goods outside the District and the goods shall be made available to the buyer, without charge, within the District.

(c) To redeem the consumer goods, the buyer shall--

(1) pay or tender the amount due under the Retail Installment Sale Contract; (2) perform or tender performance of any other promise for the breach of which the consumer goods was repossessed; and (3) pay the actual and reasonable charges for repossession and storage.

Sec. 5.103. The disposition of repossessed goods and the application of any sums realized by the disposition, shall be in accordance with applicable statutory law, specifically 28:9-505 and 28:9-504 of the District of Columbia Code .

PART 6. DEPARTMENT OF CONSUMER AFFAIRS

Sec. 6. 101. The Department of Consumer Affairs, subject to the general supervision of the Commissioner, is hereby authorized to --

(a) conduct studies, investigations, and research with respect to retail installment transactions;

(b) conduct educational programs, collect and disseminate information relating to retail installment transactions;

(c) establish and carry on continuous studies of the operation of these regulations to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of these regulations, and to formulate and recommend changes in this regulation and other regulations or laws of the District of Columbia which it may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws and regulations that may be in effect in the United States and when it deems advisable, make such studies available to the public;

(d) advise, consult, and cooperate with local governments within the Washington metropolitan region, the Federal Government, and interested persons and groups; and

(e) encourage voluntary cooperation by persons of affected groups to achieve the purposes of this regulation.

Sec. 6. 102. (a) The Council and the Department of Consumer Affairs are authorized to receive complaints from all persons affected by potential or actual violations of these regulations, including members of the consuming public and persons engaged in the business of selling consumer goods and services.

(b) Upon complaint, or other reasonable cause to believe a violation has been

service of its order, corrected the unlawful practice and complied with the order, the Council will certify the matter to the Corporation Counsel and to such other agencies, as may be appropriate, for enforcement, or (ii) immediately certify the matter to the Corporation Counsel for enforcement pursuant to these regulations. Any certification under this subsection shall constitute a determination that there exists a prima facie case of violation of these regulations. The Corporation Counsel may institute, in the name of the District of Columbia, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary and possible to obtain complete compliance with the Council's orders. In the event the civil proceedings do not result in securing such compliance, the Corporation Counsel is authorized to institute criminal action to impose the penalties prescribed in these regulations.

(c) If, at any time after a complaint has been filed, the Council believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Council shall certify the matter to the Corporation Counsel who may bring, in the name of the District of Columbia, any action necessary to preserve such status quo or to prevent such harm, including the seeking of temporary restraining orders and preliminary injunctions, which action the Corporation Counsel is hereby authorized to take.

(d) If the Corporation Counsel, or any other agency to whom the Council has certified any matter under these regulations, believes that additional information or action by the Council is necessary to enable the Corporation Counsel or such other agency may refer the matter back to the Council or its agent for such consideration and action as the Council deems appropriate.

(e) If, at the conclusion of the hearing, the Council or its agent shall determine, upon the preponderance of the testimony and evidence, that the person complained against has not violated these regulations, the Council or its agent shall state its findings and issue its order dismissing the complaint.

Sec. 8-1-2. Other Rights and Remedies, and Judicial Review.

(a) Nothing herein shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled, or from filing any complaint with any other agency.

(b) Nothing in these regulations shall be deemed to deprive any aggrieved party of such judicial review of orders of the Council or of any other agency or authority of the District of Columbia as may be available.

PART 9. MISCELLANEOUS PROVISIONS

Sec. 9-101. Penalties. Any person who violates any provision of these regulations made pursuant to Sections 1-226, 1-237, 47-2344, and 47-2345 of the D.C. Code, 1967 Ed. shall:

(a) be subject to revocation, suspension as denial of licenses in accordance with the procedures set forth in Sec. ~~2.103~~ 2.110 of this Title; or

(b) be punished by a fine not exceeding $300 or by imprisonment for not more than 90 days, or both.

Sec. 9-102. Saving Provision, Repealed Regulations. Any regulations superseded by these regulations shall remain in full force and effect for the purpose of any criminal prosecution, civil litigation, or administrative action pending at the effective date hereof or which may be instituted after such effective date as a result of any act or ommission thereunder which preceded such effective date.

PART 8. HEARING AND ENFORCEMENT

Sec. 8-101. (a) The Council or its designated agent, with respect to a matter which it believes may involve a violation of these regulations may hold a public hearing to determine whether a violation of these regulations has been committed. The Council or its agent shall serve upon the person complained against a statement of charges and shall serve upon all interested parties a notice of the time and place of hearing. Such hearing shall be open to the public and shall be held not less than ten (10) days after service of the statement of charges. The interested parties may, at their option, appear before the Council in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation and may be required by the issuance of a subpoena signed by any Council member or designated agent. Irrelevant, unduly repetitious or protracted testimony and evidence shall not be permitted. The Council shall keep a full record of the hearing which record shall be public and open to inspection by any person, and upon request by any interested party to the proceeding the Council shall furnish such party a copy of the hearing record at such cost, if any, as the Council deems appropriate.

(b) If, at the conclusion of the hearing, the Council or its agent shall determine, upon the preponderance of testimony and evidence, that the person complained against has violated these regulations, the Council or its agent shall (i) state its findings and issue an order requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of these regulations, with notice that if the Council or its agent determines that the person complained against has not, after fifteen (15) calendar days following

Sec. 7. 104. Meetings. The Board and the Council or its designated agent in the Department shall meet together at a time and place designated by the Board Chairman at least twice each year. The Board may hold such additional meetings as may be called by its Chairman.

committed, the Council or its designated agent in the Department is authorized to hold public hearings and to issue subpoenas in the name of the Chief Judge of the United States District Court for the District of Columbia, to compel witnesses to appear and testify, to produce all books, records, papers, or documents relative to any matter being investigated under the authority of this regulation.

(c) In case of disobedience to a subpoena, the Council may invoke the aid of the United States District Court for the District of Columbia in requiring the attendance and testimony of any person and the production of documentary evidence.

(d) The Council or its duly authorized agent in the Department may administer oaths and affirmations to persons summoned in any investigation or hearing conducted under this regulation.

Sec. 6-103. Fraudulent Advertising. The Department is further authorized to investigate all matters pursuant to alleged fraudulent advertising in accordance with the provisions of Title 22, Sec. 1411 of the D. C. Code, and to initiate any necessary action.

Sec. 6-104. (a) The Council, or its designated agent in the Department, may make recommendations, including but not limited to the denial, suspension or revocation of any license issued pursuant to this regulation, or other sanctions pursuant to these and other regulations.

(b) Any recommendation pursuant to a hearing under Sec. 6-102 shall be submitted for further action to:

(1) the Commissioner or his designated agent, and

(2) the Director.

(c) The record of any public hearing held pursuant to Sec. 6-102 shall be available to any person, upon request, and upon payment of a reasonable fee fixed by the Council.

PART 7. METROPOLITAN AREA CONSUMER AFFAIRS BOARD

Sec. 7. 101. Consumer Affairs Board.

(a) There is hereby authorized the creation of a Metropolitan Area Consumer Affairs Board consisting of 30 members who shall be appointed jointly by the Commissioner and Council. One of the Board members shall be designated as Chairman. In appointing members to the Board, the Commissioner and Council shall seek to achieve a fair representation from the various segments of the consumer credit industry and the public.

(b) The term of office of each member of the Board is 3 years. Of those members first appointed, 10 shall be appointed for a term of 1 year, 10 for a term of 2 years, and 10 for a term of 3 years. A member chosen to fill a vacancy otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. A member of the Board is eligible for reappointment.

(c) Members of the Board shall serve without compensation.

Sec. 7. 102. Function of Board. The Board shall advise and consult with the Council and the Department concerning the exercise of its powers under this regulation and may make recommendations to them.

Sec. 7. 103. Conflict of Interest. It is the objective of the Council to obtain competent representatives of creditors and the consuming public to serve on the Board and to assist and cooperate with the Council, the Department and the Director in achieving the objectives of this regulation. Accordingly, service on the Board shall not in itself constitute a conflict of interest regardless of the occupations or associations of the members.

D. C. Council Form # 1

Regulation No. 69-8

Passed by the District of Columbia Council January 21, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 21, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me January 25, *19* 69 at 4:30 p.m.

Walter Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-8 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 14, 1969

Date to Mayor January 21, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Duncan
Corporation Counsel

Factual contents certified to by

Title

Councilman ____ Presents the following regulation

Amendment to Chapter II, Section 29 of the Manual of the Metropolitan Police Department

BE IT ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL that:

Section 1. Amendment to the Police Manual. Chapter II, Section 29 of the Manual of the Metropolitan Police Department is hereby amended to read as follows:

"Sec. 29(a). It is hereby declared that it is the policy of the Metropolitan Police Department that each member of the Department shall in all cases use only the minimum amount of force which is consistent with the accomplishment of his mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.

"(b) No member of the Metropolitan Police Force shall discharge a firearm in the performance of police duties except under the following circumstances:

"(1) to defend himself or another from an attack which the officer has reasonable cause to believe could result in death or serious bodily injury;

"(2) to effect the arrest or to prevent the escape, when every other means of effecting the arrest or preventing the escape has been exhausted, of a person who has committed a felony or has attempted to commit a felony in the policeman's presence, or when a felony has been committed and the policeman has reasonable grounds to believe the person he is attempting to apprehend committed the felony; provided, that the felony for which the arrest is sought involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury; and, provided further, that the lives of innocent persons will not be endangered if the officer uses his firearm;

"(3) to kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering; or

"(4) for target practice or competition on an approved range.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 14, 1969 Adopted on second reading ____ and final passage on January 21, 1969

Rejected By ____

Mayor

By Council ____ Date

Over Ride Vote ☐ Aye ____ ☐ Nay ____

John W. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

"(c) No member of the Metropolitan Police Force shall discharge his firearm under the following circumstances:

"(1) as a warning.

"(2) at or from any moving vehicle except when the officer is justified in firing under Sections 29(b)(1) and 29(b)(2); and

"(i) the officer has no cause to believe that any innocent person will be injured as the result of firing at or from such moving vehicle.

"(3) In any felony case which does not involve an actual or threatened attack which the officer has reasonable cause to believe could result in death or bodily injury."

"(4) In any case involving a misdemeanor offense only.

"(d) No member of the Metropolitan Police Force, in the normal exercise of his responsibility as a police officer, shall carry, use or discharge any firearm or other weapon except those issued or approved for use by the Metropolitan Police Department under general order of the Chief of Police."

Section 2. Effective date. These regulations shall become effective immediately upon adoption.

D. C. Council Form # 1

Regulation No. 69-9

Passed by the District of Columbia Council January 28, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 28, 1969 *19*

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me February 7, *19* 69

Walter Washington *Mayor*

2551

Council Form # 3

No. 69-9 1st Reading

No. _____ L. O.

No. _____ L. O.

No. _____ 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Duncan
Corporation Counsel

Regulation
of the
District of Columbia

Date January 28, 1969

Date to Mayor January 28, 1969

Date Returned _____

Date Resubmitted to Council _____

Factual contents certified to by

_____
Title

Councilman _____ Presents the following regulation

Regulation establishing policies for the provision of day care services by the Department of Public Welfare.

WHEREAS, section 422(a) of Part B of Title IV of the Social Security Act provides that a State plan for child-welfare services may include the provision of day care services; and

WHEREAS, section 402(a) (14) of the Social Security Act (42 U.S.C. 602) requires that a State plan for aid to families with dependent children (AFDC) must provide for the development and application of a program for such family services and child-welfare services, including the care of children in day care or other child care facilities, as may be necessary for the members of AFDC families in light of their particular home conditions and other needs; and

WHEREAS, section 402(a) (15) of the Social Security Act (42 U.S.C. 602) requires that a State plan for aid to families with dependent children must provide for the development of a program for each appropriate member living in the household of an AFDC family so that they may become self-sufficient through employment, and for the implementation of such a program by assuring that each individual who is referred for participation in the Work Incentive Program (WIN) is furnished child care services; and

WHEREAS, section 403(a) (3) of the Social Security Act (42 U.S.C. 603) provides that child care services, including day care, may be provided directly by a State welfare agency or purchased from other sources; and

WHEREAS, Section 422(a) (1) (B) (ii) of the Social Security Act provides for an advisory committee, to advise the State welfare agency on general policy involved in the provision of day care services, which shall include representatives of other State agencies concerned with day care and persons representative of professional or civic or other public or non-profit private agencies, organizations, or groups concerned with the provision of day care, and that, pursuant to Organization Order No. 137, as amended, a Public Welfare Advisory Committee on Day Care was created for such purposes; and

WHEREAS, Section 422(a) (1) (B) (v) of the Social Security Act provides that day care be provided only in facilities which are licensed by the State; and

WHEREAS, section 422(a) (1) (B) (vi) of the Social Security Act provides for the development and implementation of arrangements for more efficient involvement of the parent or parents in the appropriate care of the child; and

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading _____ and final passage on January 28, 1969

Rejected By _____ By Council _____ Over Ride Vote ☐ Aye ☐ Nay

Mayor Date

John A. Wilson
Council Chairman

Stephen D. Simpson
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

WHEREAS, District funds for the establishment and operation of a day care program in the District of Columbia were made available by the District of Columbia Appropriation Act, 1963, and continued in subsequent appropriation Acts; and

WHEREAS, pursuant to paragraph 83 of section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare is authorized to implement a broad program of day care services for children of parents referred by the Department for various training and work incentive programs, for children of other parents known to the Department where day care appears to be in the child's best interest and for children of low-income, one-parent families, otherwise unknown to the Department, where the parent is employed outside the home.

Section 2. The Department is authorized to assume the full cost of day care for children identified through the following categories:

(a) Children of AFDC mothers referred to, enrolled in, and participating in, the Work Incentive Program (WIN).

(b) Children of AFDC mothers in other training programs.

(c) Children of TAFUP (Temporary Assistance for Families with unemployed Parents) mothers whose day care plan breaks down 30 days after such mothers are referred to the WIN program for the duration of training and for a period of three months following job placement.

(d) Children whose independent day care plan breaks down after the mother has been in training at Work and Training Opportunity Center (WTOC) for 30 days - for the duration of training and for three months thereafter. (Title V-OEO Funds)

(e) Children of AFDC mothers who have completed training in other than the WIN program - for six months while seeking employment.

(f) Children of AFDC mothers who have completed training - for the first three months following placement in full time employment.

(g) Children of AFDC fathers or caretaker relatives whose requirements are included in the public assistance grants and who are in training either for employment or leading toward employment.

(h) Children of mentally retarded AFDC mothers or of AFDC mothers who have a history of mental illness and for whom day care is deemed to be in the child's best interest.

(i) Infants of unwed mothers under the age of 18 years, when the mother is included in a public assistance payment and the parent or the caretaker relative either refuses to provide care for the infant or is physically or emotionally unable to do so, and such junior mother remains eligible for public assistance - until the mother receives a high school diploma, or reaches the age of 18, or drops out of school.

(j) Infants of unwed mothers who live with one or both parents or another caretaker relative, if the parent or parents or other caretaker relative either refuse to give care to the child or are physically or emotionally unable to do so -- until the mother receives a high school diploma, or reaches the age of 18, or drops out of school.

Section 3. The Department is authorized to supplement the parent's payment, paid directly to a day care facility according to a weekly fee scale, for day care services in the following categories:

(a) Children of AFDC mothers placed in employment through the Work incentive Program (WIN) - after the completion of three months of such employment.

(b) Children of AFDC mothers placed in employment following training in other than the Work Incentive Program - after completion of three months of employment.

(c) Children whose mothers have completed training at WTOC and for whom the full cost of day care has previously been paid by the Department - after the first three months, if the mother is then employed.

(d) Children whose mothers have completed training at WTOC and for whom the cost of day care has not been previously paid by the Department, if the mother is employed.

(e) Children of former AFDC mothers who are now working and living independently in the community and who completed training prior to the termination of their public assistance grants.

(f) Children of former TAFUP mothers who completed training and who were placed in jobs under the WIN program and for whom the full cost of day care has previously been paid by the Department - after three months of employment.

(g) Children of parents active with the Child Welfare Division, if the children are not in foster home placement.

(h) Children of former AFDC mothers whose public assistance payment were previously terminated because they were found employable.

(i) Children of working parents (in a single family household) who are heads of household, who are not otherwise known to the Department, and whose adjusted gross income does not exceed $6,000 per year.

Section 4.

(a) The Day Care Fee Scale (weekly) to be paid by parents, based on an adjusted gross family income per year and applying to Before-School Care, After-School Care, Before and After School Care, and Full Day Care, is set forth as follows:

ADJUSTED GROSS FAMILY INCOME PER YEAR	1 CHILD	2 CHILDREN	3 CHILDREN or more
Under 1800	No fee	No fee	No fee
1800-2200	.50	.75	1.00
2201-2600	1.00	1.25	1.50
2601-3000	1.50	1.75	2.00
3001-3400	2.50	3.00	3.50
3401-3800	3.50	4.00	4.50
3801-4200	5.50	6.00	6.50
4201-4600	7.50	8.00	8.50
4601-5000	10.50	11.00	11.50
5001-5400	13.50	14.00	14.50
5401-5800	17.50	18.00	18.50
5801-6000	21.50	22.00	22.50

(b) Adjusted Gross Family Income:

The weekly payment of a family to a day care facility is determined on the basis of an adjusted gross of the total family income for a year. In determining adjusted gross family income, deduction from the actual gross yearly income shall be made as follows:

(1) The excess of 30 percent of the actual gross family income paid for rent or housing, and

(2) $100 for each person in the family unit except the wage earner(s) and the children given care in the Day Care Center or Family Day Care Homes.

Section 5. The Department shall not be liable for payment of that part of the day care fee which the parent agrees to pay the day care facility, even though the parent fails to pay the facility according to agreement.

Section 6. The Department shall be responsible for its part of the payment of fees for day care, as long as a space is being reserved, after admission, in a day care facility for a particular child, even though the child may not be in continuous attendance.

Section 7. An over-payment by the Department to a day care facility which is continuint to provide day care services shall be collectible in any amount.

Section 8. The collection of an over-payment of not more than $10 shall be waived for day care facilities which are no longer providing day care services for the Department.

Section 9. Payments to day care facilities or to In-Home Caretakers shall be made according to the following fee schedule:

(a) Full Day Care

(1) Family Day Care Homes - $3.00 per day per child

(2) Day Care Centers - Fees vary from $2.50 to $4.00 per day per child, with .50 added when transportation is provided, depending on services given and standards maintained.

Centers have been classified into three Groups - A, B, and C - depending on the quality of day care service offered. Fees are paid according to classification:

Class A Center - Maximum fee $4.00 per day per child without transportation, $4.50 with transportation.

Class B Center - Maximum fee $3.00 per day per child without transportation, $3.50 with transportation.

Class C Center - Maximum fee $2.50 per day per child without transporation, $3.00 with transportation.

(3) In-Home Child Care - $2.00 per day per child.

(b) Part-day Care

(1) Day Care Centers and Family Day Care Homes

(A) Before-School Care - $1.00 per day per child.

(B) After-School Care - $1.50 per day per child.

(C) Before and After-School Care (for same child) - $2.00 per day per child.

(2) In-Home Child Care for children of AFDC Mothers

(A) Before-School Care - $.50 per day per child.

(B) After School Care - $.50 per day per child.

(C) Before and After-School Care (for same child) - $1.00 per day per child.

Section 10. Only licensed day care facilities shall be used by the Department when day care is arranged in other than the child's own home or in homes of relatives within the fourth degree.

Section 11. Guidelines and standards for In-Home child care for children of AFDC mothers are set forth as follows:

(a) Child care within the child's own home by an In-Home Caretaker, shall be used only when other day care plans are not feasible and In-Home care offers greater benefits to the AFDC mother and child.

(b) In-Home child care shall be arranged with mutual agreement between the child's own mother, the In-Home Caretaker, and the Department.

(c) The Department shall make direct payments to the In-Home Caretaker for child care services rendered, unless the caretaker is a member of the mother's household.

(d) The In-Home Caretaker shall be of an age between 21 and 70 years.

(e) The In-Home Caretaker shall be preferably known to the child's mother, perhaps a relative, and recommended by her.

(f) The In-Home Caretaker must furnish the Department with the same medical certification of good health as that required by the Health Department for licensed Family Day Care Mothers. Further, the in-home caretaker must furnish the Department with medical certification of good health on any child of her own for whom she is providing care in the AFDC mothers home when she is serving as an in-home caretaker.

(g) Duties of the In-Home Caretaker shall be limited to supervision of the child or children in her care, preparation and serving of appropriate meals or snacks, and washing of dishes and utensils used in the preparation of food.

(h) The In-Home Caretaker shall have no more than two pre-school children of her own.

(i) The In-Home Caretaker shall not care for children other than her own and the child or children of the AFDC mother.

(j) If the In-Home Caretaker brings her own children to the home of the AFDC mother, an agreement must be made between them as to the amount of food she brings for their needs.

(k) The In-Home Caretaker shall have prior experience in child care, either with her own children or siblings.

(l) Children receiving In-Home Child Care shall be visited on a regular basis by Department Staff.

Section 12. Classification standards for Day Car Centers, contracting with the Department to provide day care, are set forth below. However, by July 1, 1971, all licensed Day Care Centers utilized by the Department of Public Welfare must meet the standards specified under Class A Centers as indicated in Section 12.

(a) Class A. Centers:

In order to qualify as a Class A Center, a center must meet all applicable licensing requirements of the Department of Health and, in addition, must meet maximum Day Care Center standards of the Department of Public Welfare, in the three major areas of Educational Qualifications of Personnel, Program Content, and Equipment and Furnishings, as follows:

(1) Educational Qualifications of Personnel

The Director must qualify in one of the two areas listed:

(A) A Master's degree in Early Childhood Education, or Social Work, or a related field.

(B) A Bachelor's degree from an accredited college in Early Childhood Education or Child Development or Kindergarten elementary level and two years of experience either in elementary school at the kindergarten-first grade level, or in a licensed day care center as a teacher, under supervision of a director, or a combination of the two experiences.

There must be at least one teacher who is a graduate of an accredited college, with a major in Early Childhood Education, or in a related field, with appropriate courses in Child Development.

All other teachers must have at least a high school diploma. The use of non-professional aides to assist is encouraged.

(2) Program Content

Contacts between parents and staff (PTA meetings)
Health supervision
Physical care and protection of the child
Supervised play - indoors and out
Vigorous physical activity
Creative arts - drawing, painting, music and plays
Experience in social relationships
Field trips
Story hour
Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment and Furnishings

(A) Indoor Play

Housekeeping area - dools, cooking equipment, laundry equipment, sleeping equipment, dress-up clothes

Block-building area-adequate set of blocks for each age group, with accessory toys, such as small figures of people and animals

Creative arts - clay, easel painting with equipment, finger painting materials

Book area - well selected and adequate supply of children's books

Science area - growing plants, gold fish, collections of pebbles or sea shells, small bird and animal pictures

Music area - phonograph and records, rhythm instruments - bells, cymbals, drums, tambourine, triangle

Area for quiet play - materials such as beads and buttons for stringing, puzzles, children's games, miniature toys, boxes of various sizes

(B) Outdoor Play

Climbing structures (tunnels, cave, jungle gym)
See-saw
Tricycles
Wagons
Balls
Sand box

(b) CLASS B CENTERS:
In order to qualify as a Class B Center, a center must meet all of the applicable licensing requirements of the Department of Health and must meet the following minimum standards for Class B Centers in all three areas described below:

(1) Educational Qualifications of Personnel

The Director must have a degree from an accredited college. The head teacher must have had some college training, but not necessarily a degree. All teaching personnel must have a high school diploma or, alternatively, there must be a training program for teachers, already instituted or planned. The use of non-professional aides to assist teachers is encouraged.

(2) Program

Contacts between parents and staff (PTA meetings)
Health supervision
Physical care and protection of the child
Supervised play - indoors and out
Creative arts - drawing, painting
Story hour
Experience in social relationships
Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment and Furnishings

(A) Indoor Play

Housekeeping area - dolls, cooking equipment, laundry equipment, dress-up clothes

Block-building area-adequate set of blocks for each age group, with accessory toys, such as small figures of people and animals

Creative arts - clay, finger painting materials

Book area - well selected and adequate supply of children's books

Science area - growing plants, gold fish, collections of pebbles or sea shells

Music area - record player and records

Area for quiet play - material such as beads and buttons for stringing, puzzles, miniature toys, boxes of various sizes

Water play

(B) Outdoor Play

Wagons
Balls
See-saw
Slides
Sand box

(c) CLASS C CENTERS:

The Class C Centers offer primarily custodial and protective care. In order to qualify as a Class C Center, a center must meet all applicable licensing requirements of the Department of Health and, in addition, must beet the following minimum standards of the Department of Public

Welfare for Class C Centers, in the three major areas, Educational Qualifications of Personnel, Program Content, and Equipment and Furnishings. These are described below:

(1) Educational Qualifications of Personnel

The Director must have a high school education or more.

Members of teaching staff must have a ninth grade education or more.

(2) Program

Health supervision
Physical care and protection of the child
Supervised play - indoors and out
Story hour
Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment

(A) Indoor Play

Children's books
Puzzles
Finger painting equipment
Crayons
Water play

(B) Outdoor Play

Sand box
Packing boxes
See-saws

Section 13. The Director of Public Welfare shall establish a Departmental Coordinating Committee for Day Care to be responsible for reviewing the overall operation of the Department's day care and training programs. Major units of service within the Department, which use, or are affected by, the day care program, shall be represented on this Committee.

Section 14. This regulation shall become effective retroactive to January 1, 1968.

D. C. Council Form # 1

Regulation No. 69-10

Passed by the District of Columbia Council January 28, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 28, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

January 31

Approved and signed by me Walter Washington *19* 69

Walter Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-10 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Duncan
Corporation Counsel

Regulation
of the
District of Columbia

Date January 28, 1969

Date to Mayor January 28, 1969

Date Returned ____

Date Resubmitted to Council ____

Factual contents certified to by

____
Title

Councilman ____ Pressents the following regulation

AMENDMENTS TO THE "CONSUMER AFFAIRS REGULATIONS"
ADOPTED JANUARY 6, 1969

WHEREAS, the Mayor, on January 18, 1969, signed the Consumer Affairs Regulations,

WHEREAS, by letter dated January 18,1969, the Mayor requested of the Council certain amendments,

THEREFORE, be it enacted by the District of Columbia City Council, that,

Section 1. Delete the words "Establishing an Office of Consumer Affairs" from the title.

Section 2. Delete Section 4 "Authority of the Department of Consumer Affairs".

Section 3. (a) Renumber Section 5 to Section 4. Delete in para. of Section 5 (a) "sixty (60) days after adoption" and substitute in lieu thereof "July 1, 1969", and delete the proviso which reads as follows:

PROVIDED, however, that the Commissioner of the District of Columbia may appoint the Director of the Department of Consumer Affairs and members of the Consumer Affairs Board immediately after adoption of this regulation.

(b) Delete para. (b) of Section 5 which reads as follows:

"(b) All other provisions of the regulation shall become effective immediately upon adoption."

Section 4. Delete from (Appendix A) in the heading of Title I the following:

"Providing for the Registration of Retail Creditors; Establishing an Office of Consumer Affairs".

Section 5. Delete from Part I, Section 1.101, c and d.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading ____ and final passage on January 28, 1969

Rejected By ____ By Council ____ Over Ride Vote ☐ Aye ____ ☐ Nay ____

Mayor Date

John W. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

Section 6. Substitute the word "Commissioner" in lieu of the words "Director" or "Department" wherever either appears in the entire text of Title I of these Regulations.

Section 7. Delete in Section 2.103 "Notice of Application", the words "by regulation".

Section 8. Delete in Section 2.105 (a) Delete the words "certificate of" wherever they appear.

Section 9. Delete in Section 2.105 (B)(2) the word "certificate" and insert in lieu thereof the word "license".

Section 10. Delete Section 2.111 (d) and redesignate paragraph (E) as paragraph (D).

Section 11. Delete Section 2.114 "Examinations and Investigations" subparagraphs (c) and (d).

Section 12. Delete in its entirety PART 6. "DEPARTMENT OF CONSUMERS AFFAIRS."

Section 13. Delete in its entirety, PART 7, "METROPOLITAN AREA CONSUMER AFFAIRS BOARD."

Section 14. Delete PART 8 "HEARING AND ENFORCEMENT" and in lieu thereof make the text a new Section 2.115 (in lieu of Section 8-101) and Section 2.116 (in lieu of Section 8-102), and all references to "Council" or "Council or its designated agent" is to be deleted and the word "Commissioner" be substituted in lieu thereof.

Section 15. Renumber Part 9 as Part 6.

Section 16. Delete from paragraph B of Section 9.101 the words "90 days, or both" and insert in lieu thereof "10 days".

Section 17. This Regulation shall take effect immediately upon passage.

D. C. Council Form # 1

Regulation No. 69-11

Passed by the District of Columbia Council January 28, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 28, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me February 7, *19* 69

Walter Washington *Mayor*

2551

Council Form # 3

No 69-11 1st Reading

No ____ L. O.

No ____ L. O.

No ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 28, 1969

Date to Mayor January 28, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles F. Duncan
Corporation Counsel

Factual contents certified to by

Title

Councilman ____ Presents the following regulation

AMENDMENT TO ABC REGULATION 2-136

WHEREAS, the ABC Regulations were recently amended to permit the sale of alcoholic beverages by the drink on Sunday,

WHEREAS, it is inconsistent to permit the sale of alcoholic beverages in Class "C" and "D" establishments while prohibiting them from illuminating their normal advertising signs,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that,

Section I. The third paragraph of Section 2-136 of the Alcoholic Beverage Control Regulations is hereby deleted and the following language substituted therefor:

> "No sign on the exterior of, or visible from the exterior of, any licensed premises, or elsewhere in the District of Columbia, advertising any alcoholic beverage, shall be illuminated at any time when the sale of alcoholic beverages in said premises is prohibited."

Section II. This regulation shall take effect immediately upon passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading ____ and final passage on January 28, 1969

Rejected By ____ Mayor By Council ____ Date Over Ride Vote ☐ Aye ____ ☐ Nay ____

John W. Hechinger
Council Chairman

Stephen C. Swaim
City Clerk
Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

D. C. Council Form # 1

Regulation No. 69-12

Passed by the District of Columbia Council _____

January 28, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

January 28, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me February 7 *19* 69

Walter E. Washington *Mayor*

2551

Council Form # 3

No. 69-12 1st Reading

No._____L. O.

No._____L. O.

No._____2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 28, 1969

Date to Mayor January 28, 1969

Date Returned _____

Date Resubmitted to Council _____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

_____
Title

Councilman William S. Thompson Presents the following regulation

WHEREAS, on December 3, 1968, the Council adopted a regulation amending the Police Manual to clarify the right of police officers to join organizations and to press grievances within the Department; and

WHEREAS, it was the conviction of the Public Safety Committee that in pressing such grievances it is in the public interest that organizations be permitted to discuss policy problems through the public media; and

WHEREAS, in permitting officers to bring grievances of a policy nature to the public for discussion it was not the Committee's intention to encourage any individual officer to seek publicity for a particular grievance, but rather it is the Council's intent to encourage all officers to utilize proper grievance procedure in the first instance. In view of the revised and greatly improved police department grievance procedure which Chief Layton has just instituted, the Public Safety Committee would like to amend further Chapter 2 of the Police Manual to clarify that we wish to permit proper public discussion of policy grievances only and not of the many individual complaints which officers inevitably will have in such a large organization.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. Section 15 of Chapter 2 of the Police Manual is amended to read as follows:

"Members of the force shall not, directly or indirectly, seek publicity concerning any specific matter that is or may be involved in a coroner's inquest, trial board procedures, grand jury hearing, grievance proceeding or criminal prosecution."

Section 2. This regulation shall take effect immediately upon passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading _____ and final passage on January 28, 1969

Rejected By _____ By Council _____ Over Ride Vote ☐ Aye _____ ☐ Nay _____

John Wilson Layton
Mayor

Date

Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

~~D. C.~~ Council Form # 1

Regulation No. 69-13

Passed by the District of Columbia Council January 28, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia January 30, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me February 7, *19* 69

Walter Washington *Mayor*

2551

D.C. Council Form # 3

No. 69-13 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date January 28, 1969

Date to Mayor January 28, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Title

Councilman Polly Shackleton Presents the following regulation

AIR QUALITY CONTROL REGULATIONS

WHEREAS, the Congress has instructed the D.C. City Council to enact regulations to control emissions of certain substances into the air in the District of Columbia; and

WHEREAS, the City Council recognizes the pressing need to take positive action to eliminate the deleterious physical, economic and aesthetic effects of air pollution; and

WHEREAS, these regulations meet the requirements of Public Law 90-440 in being as stringent as the recommendations made by the Secretary of Health, Education and Welfare to the interstate air pollution abatement conference in January, 1968; and

WHEREAS, the City Council feels these regulations will enable the District of Columbia to establish an effective air pollution control program.

NOW, THEREFORE BE IT ENACTED by the District of Columbia Council, that:

Section 1. Title 8, Chapter 2, Part 7 of the District of Columbia Health Regulations read as follows:

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading ____ and final passage on January 28, 1969

Rejected By ____ Mayor By Council ____ Over Ride Vote ☐ Aye ____ ☐ Nay ____

Date ____

John W. Nevius
Council Chairman

Stephen C. Swain
City Clerk Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

TITLE 8. HEALTH REGULATIONS

CHAPTER 2. REGULATIONS OF GENERAL APPLICATION

Part 7. Air Quality Control Regulations

§ 8-2:701 PURPOSE AND SCOPE

(a) Purpose. The purpose of the regulations in this Part is to prevent or minimize emissions which are likely to be injurious and hazardous to people, animals, vegetation or property and thereby protect and enhance the quality of the District air resources so as to promote the public health and welfare of the people in the District.

(b) Scope. The regulations in this Part shall apply to all operations in the District, including Federal operations, where consistent with the terms of the Clean Air Act, as amended, regulations promulgated thereunder, and Executive Order No. 11282, entitled "Prevention, Control, and Abatement of Air Pollution by Federal Activities".

§ 8-2:702 INDEPENDENCE OF SECTIONS

Each section and every part of each section of this Part is declared independent of every other section or part thereof, and the finding or holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

§8-2:703 DEFINITIONS

When used in this Part, each of the following terms shall have the meaning ascribed to it unless the context clearly indicates a different meaning:

Air Contaminant means dust, fumes, gas, mist, smoke, vapor, odor, or particulate matter or any combination thereof excluding uncombined water present in the atmosphere.

Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to public welfare, to the health of human, plant or animal life, or to property, or which interferes with the reasonable enjoyment of life and property.

Commissioner means the Commissioner of the District of Columbia.

Control Devices means any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

Department means the Department of Public Health of the District of Columbia.

Director means the Director of the Department of Public Health or his duly authorized agent.

District means the District of Columbia.

Fuel-burning Equipment means any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel feeding equipment, ash removal equipment, combustion controls, stacks and chimneys, used primarily but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

Incinerator means any equipment, device, or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

Multiple Chamber Incinerator means any incinerator consisting of three or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The combustion chambers shall include as a minimum, one chamber principally for ignition, one chamber principally for mixing, and one chamber for combustion.

Opacity means the obscuration to an observer's view produced by smoke of any color that is equal to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

Particulate Matter means finely divided material, except uncombined water, which is a liquid or a solid at standard conditions of temperature at 68° F. and pressure at 14.7 pounds per square inch absolute.

Person means any individual, firm, partnership, company, corporation, trustee, association, or any other private or public entity.

Process means any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

Refuse means matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

Smoke means small gas bourne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

Source means any physical arrangement, condition or structure which may emit air contaminants.

Stack means any chimney, flue, conduit, or duct that is arranged, or used, to conduct a gaseous or particulate effluent, or both, to the open air.

U. L. means Underwriters Laboratories located at 207 East Ohio Street, Chicago 11, Illinois.

COMBUSTION OF FUEL AT STATIONARY SOURCES

§8-2:704 USE OF CERTAIN FUEL OILS FORBIDDEN

No person shall use, cause the use of, or permit the use of, fuel oil which contains more than 1.5% sulfur by weight in the District. No person shall purchase, sell, offer for sale, store, or transport any fuel oil which contains more than 1.5% sulfur by weight in the District, if such fuel oil is to be used in the District. On July 1, 1969, the allowable sulfur content stipulated in this section shall be reduced to one percent (1%).

§8-2:705 USE OF CERTAIN COAL FORBIDDEN

No person shall use, cause the use of, or permit the use of coal which contains more than 1% sulfur by weight in the District. No person shall purchase, sell, offer for sale, store, or transport any coal which contains more than 1% sulfur by weight in the District, if such coal is to be burned in the District. The provisions of this section shall become effective on and after July 1, 1969. Notwithstanding the other provisions of this section, any person may burn coal of a higher sulfur content at a stationary cource of combustion in the District: Provided, The Director has certified in writing that the combustion-gas-desulfurization system used at the stationary source of combustion results in sulfur oxide emissions no greater than the emissions normally resulting from the burning of coal with 1% sulfur.

§8-2:706 FUEL-BURNING PARTICULATE EMISSION

No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any fuel-burning equipment or premises, or to pass from a stack, particulate mater in flue gases to exceed 0.60 pounds per 1,000,000 BTU heat input for installations using less than ten million BTU per hour total input. For installations using more than ten million BTU per hour total input, the particulate emission limitation will be allowed to vary between existing installations and new installations and shall decrease as the rate of heat input increases according to the scales in Figure No. 1, contained hereinafter as Appendix No. 1.

SOLID WASTE DISPOSAL AND SALVAGE OPERATION

§ 8-2:707 INCINERATORS

(a) Existing Incinerators. Three years after the date of promulgation of this Part the use of single chamber and flue-fed incinerators is prohibited and no person shall be permitted to use an incinerator unless it is of multiple chamber design, or a design approved by the Director. Such incinerators shall meet the requirements of §8-2:711 and subsection (b) of this section.

(b) New Incinerators. All incinerators installed after the promulgation of these regulations shall be equipped with gas cleaning devices if necessary to meet the following emission standards:

(1) Incinerators with a rated refuse burning capacity of 200 or more pounds per hour, shall not emit more than 0.20 grain of particulate matter per standard dry cubic foot of exhaust gas corrected to 12 percent carbon dioxide (without the contribution of auxiliary fuel).

(2) All other incinerators shall not emit more than 0.30 grain of particulate matter per standard dry cubic foot of exhaust gas corrected to 12 percent carbon dioxide (without the contribution of auxiliary fuel).

§8-2:708 OPEN BURNING

No person on and after May 1, 1969 shall engage in, or allow, a fire for the destruction of waste matter, in which any material is burned in the open, or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack.

§ 8-2:709 LANDFILL

No person shall conduct a landfill in the District without taking all necessary precautions to minimize air pollution, including the creation of dust or other emissions into the atmosphere.

§ 8-2:710 HANDLING, TRANSPORTATION AND STORAGE OF MATERIAL

No person shall cause, or permit the handling, transportation or storage of any material, and no person shall cause or permit any premises or its surroundings to be constructed, used, repaired or demolished in a manner which allows, or likely to allow, unnecessary amounts of particulate matter to become airborne.

VISIBLE, PROCESS AND EXHAUST EMISSIONS

§ 8-2:711 VISIBLE EMISSIONS

No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere visible discharges from stationary sources, including incinerators, above a maximum limit of density of 20 percent equivalent opacity: Provided, That discharges not exceeding 60 percent opacity shall be permitted for 4 minutes in any 60-minute period and for an aggregate of 40 minutes in any 24-hour period until December 31, 1972 in existing stationary sources. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this section, its provisions shall not be applicable.

§ 8-2:712 PROCESS EMISSIONS

No later than June 30, 1969 no person shall cause, suffer, or allow discharges of particulate matter into the atmosphere from any process which exceeds the emission limits set forth in the table contained hereinafter as Appendix No. 2.

§ 8-2:713 EXHAUST EMISSIONS

(a) Gasoline Powered Motor Vehicles. No person shall cause smoke emissions from gasoline powered motor vehicles at the exhaust pipe except that emissions of 20 percent equivalent opacity shall be permitted for not more than 5 continuous seconds.

(b) Diesel Powered Motor Vehicles. No person shall cause smoke emissions from diesel powered motor vehicles at the exhaust pipe to exceed a density of 20 percent equivalent opacity except that emissions of 40 percent equivalent opacity shall be permitted for not more than 10 consecutive seconds.

§ 8-2:714 CONTROL DEVICES AND PRACTICES

(a) Motor Vehicles. No person shall remove or cause or permit to become inoperative those devices required by Federal Regulations to be installed by motor vehicle manufacturers for the purpose of controlling emissions.

(b) Stationary Sources. No person shall remove or cause or permit to become inoperative devices or practices provided for control of air contaminants being discharged from stationary sources.

ODOROUS OR OTHER AIR CONTAMINANTS

§8-2:715 INJURIOUS CONTAMINANTS

No person shall cause, suffer, or allow an emission into the atmosphere of odorous or other air contaminants from stationary sources in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to the public welfare, to the health of human beings, to plant or animal life, or which interferes with the reasonable enjoyment of life and property. An odor occurrence shall be deemed a nuisance when the Director shall find the occurrence objectionable and of sufficient duration or frequency so that he can make two measurements of Scentometer No. 2 odor strength within a period of one hour, these measurements being separated by at least 15 minutes.

§8-2:716 SAMPLING, TESTS AND MEASUREMENTS

(a) General. The Director may conduct or cause to be conducted tests of emission of air contaminants from any source. Upon request of the Director, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. The Director may take or cause to be taken samples of any fuel by any appropriate means, in any quantity which he feels necessary for purposes of determining compliance with these regulations.

(b) Particulate Matter. Stack tests for particulate matter shall be undertaken by generally recognized standards or methods of measurement. Methods found in the American Society of Mechanical Engineers Test Code for Dust Separating Apparatus, PTC 21-1941, the American Society of Mechanical Engineers Test Code for Determining Dust Concentration in Gas Streams, PTC 27-1957, and the Los Angeles County Source Testing Manual shall be used, but these may be modified or adjusted by the Director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

(c) Sulfur. The method for determining the sulfur content of fuel oil shall be that described in American Society for Testing and Materials D-129-64 "Standard Method of Test for Sulfur in Petroleum Products and Lubricants by the Bomb Method." The method for determining the sulfur content of coal shall be that described in American Society for Testing and Materials D-271-64 "Laboratory Sampling and Analysis of Coal and Coke." Equivalent methods may be approved by the Director. The methods specified in this subsection are hereby made a part of the regulation by reference.

(d) Visible Emissions. The Ringelmann Smoke Chart published and described in the U. S. Bureau of Mines Information Circular 8333, or any other chart, recorder, indicator or device for the measurement of plume density approved by the Director, shall be used in determining the grade of shade or opacity of visible air contaminant emissions.

(e) Odor. Odor measurements shall be made with a Scentometer as manufactured by the Barnebey-Cheney Company or any other instrument, device or technique designated by the Director as producing equivalent results.

(f) Availability of Publications. The publications containing standards of measurement etc. mentioned in this section shall be kept on file in the Office of the Director and shall be made available in said office.

§8-2:717 PLAN REVIEW

When any fuel-burning equipment or any other equipment capable of emitting air contaminants, except: (1) Oil-fired fuel-burning equipment burning No. 1 and No. 2 fuel oil when U.L. listed commercial equipment is used; (2) Gas-fired fuel-burning equipment when U.L. listed commercial equipment is used; (3) Solid-fuel fired fuel-burning equipment when U.L. listed commercial equipment is used and the maximum fuel input will not exceed 350,000 BTU per hour; (4) Equipment not permanently installed in a stationary building or structure; and (5) Repairs and minor alterations to previously approved equipment or to equipment installed prior to the effective date of this Part, is hereafter constructed, reconstructed, installed or altered to the extent that a permit is required, properly prepared plans and specifications for such construction, reconstruction, installation or alteration shall be submitted with the application for the permit. Such plans and specifications shall be submitted by the Department of Licenses and Inspections to the Department of Public Health for review and approval or disapproval. No permit for construction, reconstruction, installation or alteration of such fuel-burning equipment or other equipment capable of emitting air contaminants shall be issued unless such construction, reconstruction, installation or alteration is approved by the Director as meeting the requirements of this Part.

§ 8-2:718 REPORTING OF INFORMATION

When required by the Director, any person engaged in operations which may result in air pollution, or handling products the use of which may result in air pollution, shall file with the Department reports containing information as to: (1) location and description of source; and (2) such other information as the Department may request.

§ 8-2:719 EMERGENCY PROCEDURE

Notwithstanding any other provision of this Part or of any other regulation, if the Director finds that any person or persons is causing or contributing to air pollution so as to create an emergency which requires immediate action to protect the public health or safety, he shall order such person or persons to reduce or discontinue immediately the air pollution and such order shall be complied with immediately. Upon the issuance of any such order, the Director, if requested by the person so ordered, shall fix a time and place for a Hearing, such Hearing to be held within a reasonable time after the request. Not more than 24 hours after the conclusion of such Hearing the person shall be notified that the order has been affirmed, modified or set aside.

§ 8-2:720 VARIANCES

Any person engaged in operations which may result in air pollution, or handling products the use of which may result in air pollution, at the time of the promulgation of this Part, shall be excused by the Director from the performance of any Act required by the provisions of this Part either in whole or in part upon a finding by the Director that the full performance of such act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or practicability from bringing the operation into full compliance with the requirements of this Part: Provided, That a variance

shall be allowed only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent such variance can be granted without impairing the intent and purpose of P.L. 90-440 and of this Part: Provided further, That a record, open to inspection to the public, shall be maintained in the Department of each and every variance allowed under the terms of this section.

§ 8-2:721 INSPECTION

The Director is authorized and empowered to and shall make such inspections of any premises, or of any records of operation, as may be required in the enforcement of the District of Columbia Air Pollution Control Act (P.L. 90-440, approved July 30, 1968) and these regulations.

§ 8-2:722 ORDERS FOR COMPLIANCE

Whenever the Director has reason to believe that a violation of any provision of this Part or P.L. 90-440 has occurred, he may cause written notice to be served upon the alleged violator: Provided, That the Director of Motor Vehicles of the District of Columbia shall cause written notice to be served on the alleged violator, when he has reason to believe that a violation of the provisions of § 8-2:713, or § 8-2:714, has occurred. The notice shall specify the provision of the law or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that the necessary corrective action be taken within a reasonable time. When any such order has been served on the alleged violator, he may, within five (5) days after the date such order is served, request in writing a Hearing before the Director.

§ 8-2:723 CONFIDENTIALITY OF RECORDS AND INFORMATION

Data secured as the result of the application of these regulations, or other provisions of law, which relate to production, sales figures, or processes of any owner or operator, shall not be disclosed publicly by the District in such manner as to affect the competetive position of such owner or operator; except in or following a Public Hearing, or except as necessary in case of a public health emergency. Nothing herein shall be construed to prevent the use of such records or information by the District in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: Provided, That such analyses or summaries do not identify any owner or operator or reveal any information otherwise confidential under the provisions of this section.

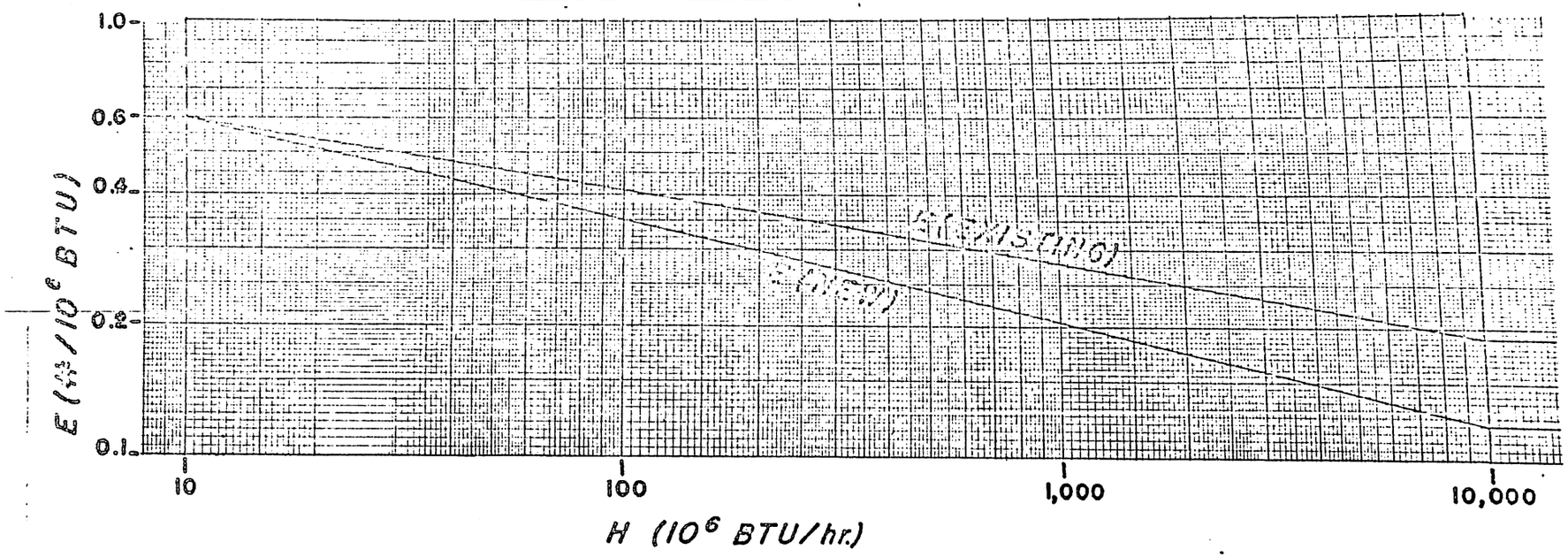
§ 8-2:724 APPEAL AND HEARING

Any person aggrieved by any action of the Director in the enforcement of the regulations of this Part may file an appeal in writing with the Board of Appeals and Review. Such appeal shall be filed within the period specified in the notice of violation for compliance therewith, but in no case more than thirty days after the date of service of such notice: Provided, That where a request for a variance has been submitted to the Director in accordance with the provisions of § 8-2:720 of these regulations such appeal shall be filed within ten days after the date of the service of the notice of the final determination on such request for such variance: And provided further, That there shall be no appeal to the Board of Appeals and Review from a final order issued after a Hearing held according to the provisions of § 8-2:719. The decision of the Board of Appeals and Review sustaining, modifying, or vacating notices issued under the authority of these regulations shall be final.

§8-2:725 PENALTY

Any person who fails to comply with any provision of these regulations, or who refuses, interferes with, or prevents any inspection authorized by these regulations, shall be punished by a fine of not to exceed $300 or imprisonment not to exceed ninety days, or both. In the event of any violation of, or failure to comply with, these regulations, each and every day of such violation, or failure, shall constitute a separate offense and the penalties described herein shall be applicable to each such separate offense.

APPENDIX No. 1 FIGURE No. 1



H = TOTAL HEAT INPUT IN MILLIONS of BTU per hr.

E = MAXIMUM EMISSION IN POUNDS of PARTICULATE MATTER per MILLION BTU HEAT INPUT

$E\ (EXISTING) = 0.878\ H^{-0.166}$ $E\ (NEW) = 1.025\ H^{-0.233}$

H (x10^6 BTU/hr)	E (EXISTING) (#/10^6 BTU)	E (NEW) (#/10^6 BTU)
10	0.60	0.60
100	0.41	0.35
1,000	0.28	0.21
10,000	0.19	0.12

Section 2. This Regulation shall become effective upon approval.

Appendix No. 2
Table

Process Weight Per Hour in Pounds	Maximum Weight of Particulate Discharge Per Hour in Pounds	Process Weight Per Hour in Pounds	Maximum Weight of Particulate Discharge Per Hour in Pounds
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000 or more	40.0
3200	5.27		
3300	5.36		

NOTE: Process weight means the total weight in pounds of all materials introduced into any specific process which process may cause any discharge into the atmosphere.

Process weight per hour means the weight arrived at by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

D. C. Council Form # 1

Regulation No. 69-14

Passed by the District of Columbia Council _____

February 4, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia _____

February 6, *19* 69

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me 2/16 *19* 69

Walter E. Washington *Mayor*

2551

D. C. Council Form # 3

No. 69-14 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date February 4, 1969

Date to Mayor February 6, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel
11.03.

Factual contents certified to by

Title

Councilman ____ Presents the following regulation

A Regulation to Amend Section 8 of the Police Regulations of the District of Columbia, Regarding the Maximum Rates of Interest for Pawnbroker Loans.

WHEREAS, Section 402 of the Reorganization Plan No. 3 of 1967 transfers to the District of Columbia Council function (72), to wit, "Determining or fixing a maximum rate of interest for pawnbroker loans and redetermining and refixing any such maximum rate under D.C. Code, sec. 2-2009;" and

WHEREAS, the District of Columbia Council, in pursuance of said function and in accordance with subsection (a) of D.C. Code sec. 2-2009, has provided a hearing and considered thereafter "the economic conditions and other factors;" and

WHEREAS, the District of Columbia Council has found that, while the present level of pawnbroker business is adequate to meet the need of "individuals seeking such loans at reasonable rates of interest," the licensees' return upon the assets is not fair and reasonable, as it is not adequate to meet increased costs of the business and to finance such business.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1: Subsection (a) of section 8 of the Police Regulations of the District of Columbia is hereby amended to read as follows:

"(a) The maximum rates of interest for which a pawnbroker may contract and which he may receive are as follows:

3% per month or fraction thereof on the first $500,
2% per month or fraction thereof on the next $500, and
8% per year on loans of more than $1,000,
PROVIDED, that the pawnbroker may exercise an option to ask, demand, and receive a charge of $1.00 per month in lieu of interest."

Section 2: Subsection (b) of section 8 of the Police Regulations of the District of Columbia is hereby repealed.

Section 3: Subsection (c) of section 8 of the Police Regulations of the District of Columbia is hereby relettered "(b)", the entire section 8 now to consist of two subsections, (a) as stated above and (b) consisting of the text of the subsection until now lettered "(c)".

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson				X	Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 28, 1969 Adopted on second reading ____ and final passage on February 4, 1969

Rejected By ____ Mayor By Council ____ Date Over Ride Vote Aye ☐ ____ Nay ☐ ____

John W. Hechinger Sr.
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

Section 4: Effective Date. This regulation shall become effective upon passage.

D. C. Council Form # 1

Regulation No. 69-15

Passed by the District of Columbia Council February 18, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia February 19, *19* 69

RECEIVED
FEB 19 1969
OFFICE OF THE COMMISSIONER

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me March 1 *19* 69

Walter E. Washington *Mayor*

2551

Council Form # 3

No. 69-15 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date February 4, 1969

Date to Mayor February 19, 1969

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Title Director
Department of Highways & Traffic

Councilman Mr. Daugherty Presents the following regulation

Regulation to permit use of highway rights-of-way by private persons and organizations for small gardens or parks.

WHEREAS, the Department of Highways and Traffic from time-to time receives requests from private persons and organizations for permission to develop into small gardens or parks portions of land under the jurisdiction of the Department of Highways and Traffic and located within the rights-of-way of highways and streets; and

WHEREAS, the Corporation Counsel of the District of Columbia advises there is no legal objection to the adoption by the Government of the District of Columbia of regulations allowing private persons or organizations to use land under the control of the Department of Highways and Traffic, at no additional expense to the District for small gardens or parks, if, as a matter of policy the District of Columbia wants to allow such activity; and

WHEREAS, allowing private persons or organizations, operating under a Cooperative Agreement between any such person or organization and the District of Columbia, to beautify small portions of land located within highway rights-of-way would benefit the people of the District by improving the appearance of the city.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Article 4 of the Police Regulations of the District of Columbia, "Occupation of Public Space", is amended by adding thereto the following new section:

"Sec. 29. (a) Private persons and organizations may beautify public space areas located within highway rights-of-way in the District of Columbia, exclusive of tree space and sidewalk areas, with small gardens and parks, at locations approved for such use by the Director, Department of Highways and Traffic. The use of public space areas as provided hereunder shall be in strict accordance with the provisions of a Cooperative Agreement to be entered into between any such private person or organization and the Director, Department of Highways and Traffic.

(b) The Cooperative Agreement shall include, but not be limited to, the following conditions which must be agreed to by the private

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy				X
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on February 4, 1969 Adopted on second reading ____ and final passage on February 18, 1969

Rejected By ____ Mayor By Council ____ Over Ride Vote ☐ Aye ____ ☐ Nay ____

Date ____

John Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

person or organization desiring to occupy public space for the purposes described in this section:

(1) all plans for the beautification of public space areas authorized hereunder shall be submitted to and approved by the Department of Highways and Traffic.

(2) all beautification work undertaken in public space areas shall be performed in strict accordance with the approved plan.

(3) authorization to beautify public space areas shall require that such public space areas be maintained in accordance with acceptable standards; i.e., the areas shall not be permitted to become overgrown with weeds, littered with trash or other debris, or otherwise become unsightly thereby creating a nuisance to the general public.

(4) all work involved in beautifying public space areas shall be performed in a manner which will not endanger the public health, safety and comfort.

(5) the District of Columbia reserves the right to remove forthwith, without prejudice to the District, any dangerous condition resulting from such beautification project in public space, and to discontinue the use of such space for such purpose whenever the space is required for highway or other public purposes."

Section 2. This regulation shall become effective immediately upon passage.

D. C. Council Form # 1

Regulation No. 69-16

Passed by the District of Columbia Council March 5, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: John W. Hechinger *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia March 5, *19* 69

RECEIVED
MAR 5 1969
COMMISSIONER, D. C.

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me March 12, *19* 69

Walter Washington *Mayor*

2551

orm # 3

16 1st Reading

L. O.

No L. O.

Regulation

of the

District of Columbia

Date March 4, 1969

Date to Mayor

Date Returned

Date Resubmitted to Council

No 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Hubert B Bair
acting Corporation Counsel

Factual contents certified to by

Title

Councilman Mr. Daugherty Presents the following regulation

WHEREAS, under Public Law 87-408 of March 2, 1962, the Commissioners are authorized to increase water rates by amounts up to 25% of the rates in effect on January 1, 1961, and to increase the sewer charge up to a maximum of 75% of water charges,

WHEREAS, the present water and sewerage charge rates are below the percentage allowable by Public Law 87-408 of March 2, 1962,

WHEREAS, under Reorganization Plan No. 3 of 1967, Section 402 (Sec. 325, 326, Public Utilities), the power to increase water and sewer rates have been transferred to the City Council,

WHEREAS, additional water and sewer rates are needed for (1) rising operating costs and increasing debt services, (2) new capital outlay program for expanding the water system to meet future demands, (3) new capital outlay program for expanding and increasing the treatment capability over the next five years of the Water Pollution Control Plant as required by new water quality standards approved for the Potomac within the District of Columbia,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council, that:

Section 1 (a) Water and Water Service Rates and Charges. The following rates and charges shall be applicable for water and water services on and after April 1, 1969:

(1) Rates and Charges for Metered Service. The minimum rate for water furnished any premises through a metered service shall be eight dollars and seventy-five cents ($8.75) semiannually for the use of up to 3,600 cubic feet (26,928 gallons) of water, payable in advance, and for water furnished during such period in excess of that quantity the rate shall be fifteen (15) cents per one hundred (100) cubic feet of water.

(2) Rates and Charges for Unmetered Service.

(a) Domestic Use - The rate for domestic purposes shall be charged according to stories and front feet. On all tenements two stories high or less, with a front width of sixteen (16) feet or less, a semi-annual flat rate of ten dollars and forty-three cents ($10.43) will be charged and for each additional front foot or fraction thereof greater than one-half, sixty-six cents ($.66). For each additional story or part thereof, one-third of the charges as computed above will be added. When the frontage of a house is greater than the

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson				X	Shackelton	X				Yeldell	X			
Haywood				X	Thompson	X				Fauntroy				X
Nevius				X	Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on February 18, 1969 Adopted on second reading and final passage on March 5, 1969

Rejected By Mayor By Council Over Ride Vote Aye ☐ Nay ☐

Date

John A Hechinger
Council Chairman

Stephen C. Swaim
City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

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depth the rate will be based upon the lesser dimension."

(b) "Business Use - Where a dwelling house or tenement is occupied for business purposes, or vice versa, the regular semi-annual charge for domestic purposes according to the above rates shall be made and, in addition thereto, a special business rate will be charged semi-annually based on the following:

(1) Fixtures in Business Houses
$7.34 each fixture (Code 12)

(2) Apartments - $10.42 each (Code 30)

(3) Miscellaneous Usage - $.59 to $26.47 (Code 31)

Where a story is used entirely for business purposes, it will not be reckoned in the charge for domestic purposes."

(c) Sanitary Sewer Service Rates and Charges. The charge for sanitary sewer service furnished any premises in the District of Columbia shall be seventy-five per centum (75%) of the charge for water or water service furnished any such premises from the District of Columbia Water Supply System and shall be collected in the same manner and at the same time as water charges are collected. When water is supplied any such premises from a source or sources other than the District of Columbia Water Supply System, the charge for sanitary sewer service shall be the same in amount as would be charged if the same quantity of water were furnished such premises for the District of Columbia Water Supply System through metered service. The sanitary sewer charge shall be added as a separate item on the bill, if any, for water and water service furnished such premises.

(d) Payment of Rates and Charges. All rates for water and water service and the charges for sanitary sewer service hereby established shall be payable at least once semiannually. When the computation of the amount of any bill for any of such services results in a fraction of one-half cent or more, the next highest amount not containing a fraction shall be charged.

Section 2. Penalties. "The penalties to be imposed for failure to pay bills for water and sewer service after the expiration of thirty days from the date of rendition thereof, and the payment of any costs incurred by the District of Columbia in connection with discontinuing and restoring the water supply to any premises, shall be as provided by sections 43-1521a and 43-1609 of the District of Columbia Code."

Section 3. Change of Ownership or Occupancy. Any person who desires a statement of the account of any water or sewer service charge to the data of the acquisition of any premises shall make a written request to the Water Registrar on or before the date of such acquisition. Provided, That the authority to enforce payment of water and sewer service charges by shutting off the water supply or by refusing to restore the water supply may be exercised without regard to any change of ownership or occupancy of any such premises. The Water Registrar shall have access to all premises furnished water or sewer service, and if any such premises is vacant, any request for a statement of account shall contain a fixed time at which a representative of the Water Registrar may obtain access.

Section 4. Effective Date. This Regulation shall take effect immediately upon passage.

COOPERATIVE AGREEMENT
BETWEEN
THE DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF HIGHWAYS AND TRAFFIC
AND

_____

RELATING TO THE BEAUTIFICATION OF PUBLIC SPACE LOCATED AT:

_____

This Cooperative Agreement, made and entered into this _____ day of _____. 19_____, by and between the District of Columbia Government, acting by and through the Director, Department of Highways and Traffic, and _____ _____(one or more individuals or an organization acting by and through its elected officers), hereinafter referred to as the Permittee.

WHEREAS, the Department of Highways and Traffic has administrative responsibility for the subject public space, and

WHEREAS, it is the policy of the Department of Highways and Traffic to make available public space for the maximum use of the people of a community, and

WHEREAS, the Permittee desires to beautify subject public space at this time,

NOW, THEREFORE, it is agreed as follows:

ARTICLE I.

The Director shall provide:

(1) All materials and supplies such as fertilizer, lime, seed, mulch, bulbs, plants, shrubs and hose.

(2) For removal from the area of trash and debris stockpiled or placed in trash containers on a regular basis or as needed.

(3) Technical and craftsmanship assistance and advice while work is being performed, and continuing periodic inspections to insure acceptable standards of maintenance.

ARTICLE II.

The Permittee shall provide:

(1) Sufficient organized manpower equipped with proper hand-tools to perform initial development, such as grading, planting, and watering for plants to develop root systems.

(2) Organized manpower to perform regular maintenance of area, such as gathering trash for pick-up, grass cutting and care of plants and shrubs.

(3) Protection from vandalism by prompt notification to the appropriate District of Columbia Metropolitan Police Precinct if damage appears imminent or has occurred.

ARTICLE III.

The work to be accomplished under Articles I and II of the Agreement shall be in accordance with, and subject to, the following conditions:

(1) The District Government assumes no responsibility whatever for any injury, accident, loss, or damage that may result from the exercise of the responsibilities referred to in this Agreement. The Permittee, and any others who assist in the development and improvement of the public space, agree to hold such Government, its assigns, officers, agents, and employees harmless from any and all claims arising therefrom.

(2) The Permittee shall not allow the participation of any individual in this project until he or she has signed the Signature Sheets attached hereto and made a part hereof. By such signature, each person participating in the beautification project shall indicate his or her willingness to abide and be bound by the provisions of this Agreement.

(3) The nondiscrimination conditions contained in "Enclosure A" which is used in Government contracts and permits is made a part of this Agreement and shall be complied with.

(4) Any instructions pertaining to this project issued by the Director shall be complied with.

(5) All participants shall exercise normal and reasonable safety precautions and shall protect public property.

(6) The District of Columbia reserves the right to remove forthwith, without prejudice to the District, any dangerous condition resulting from beautification work in public space.

(7) This Agreement is revocable at the discretion of either party.

(8) Wherever the term "Director" is used herein, it shall be deemed to include his duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals the day, month, and year aforesaid.

DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF HIGHWAYS AND TRAFFIC

By: _____
Director of Highways and Traffic, D. C.

_____
(Organization Name)

By: _____

Title: _____

_____
(Name of Individual)

_____
(Address)

_____
(Name of Individual)

_____
(Address)

Witnessed by:

_____

_____
(Title)

PARTICIPATING MEMBERS

SIGNATURE SHEET

	NAME	ADDRESS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
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D. C. Council Form # 1

Regulation No. 69-17

Passed by the District of Columbia Council April 1, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: [signature] *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia April 1, *19* 69

RECEIVED
APR 1 1969
4:08 P.M.
OFFICE OF THE COMMISSIONER

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me April 11, *19* 69

[signature] *Mayor*

2551

C. Council Form # 3

No. 69-17 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Regulation
of the
District of Columbia

Date March 18, 1969

Date to Mayor ____

Date Returned ____

Date Resubmitted to Council ____

Factual contents certified to by

Water Pollution Control
Title

Councilman Polly Shackleton Presents the following regulation

WHEREAS, the Water Quality Act of 1965 amended the Federal Water Pollution Control Act to provide for the establishment of water quality standards for all interstate and costal waters; and

WHEREAS, pursuant to the provisions of the above stated Act, the District Government submitted to the Secretary of the Interior the District's water quality standards and these were approved by the Secretary January 1969; and

WHEREAS, it has been demonstrated that as part of the plan for implementation of these standards there is need for control of water pollution resulting from excessive soil erosion; and

WHEREAS, the authority to promulgate such regulations is contained in Section 1-226 of the D.C. Code, 1967 edition, and Section 402-1-(4) of Re-organization Plan No. 3 of 1967,

NOW, THEREFORE, BE IT ENACTED, that Title 8 of the Health Regulations, Chapter 2, be amended to include a part 8 which shall read as follows:

8-2:801 Purpose and Scope

(a) Purpose. The purpose of this Part is to prevent and control the pollution of the Potomac River and its tributaries.

(b) Scope This Part is applicable to all sources of pollution affecting the Potomac River and its tributaries within the District of Columbia and includes, but is not limited to, pollution carried by storm water run off, sources of sedi-ment, wastes from vessels or other floating construction and domestic and industrial wastes.

8-2:802 Independence of Sections

Each section of this Part, and every part of each section, is hereby declared independent of every other, and the holding of any section, or part hereof, to be void or ineffective for any cause shall not be deemed to affect any other section, or part thereof.

8-2:803 Prevention of the Generation of Sediment

No permit for a plan for land clearing, demolition, or construction activities shall be issued until, in the opinion of the Commissioner or his

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Tucker	X			
Moore	X				Daugherty	X				Hahn	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on March 18, 1969 Adopted on second reading ____ and final passage on April 1, 1969

Rejected By ____ By Council ____ Over Ride Vote ☐ Aye ____ ☐ Nay ____

Mayor Date Council Chairman Stephen C. Swain City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

designated agent, such a plan contains adequate erosion prevention measures for the site in question.

(b) Land clearing, demolition, and construction operations shall be conducted in such a manner as to prevent when possible and otherwise minimize the contamination of water courses by sediment bearing materials or other pollutants. Excavation, borrow pits, stockpiled earthwork, graded or ungraded slopes or other areas, which may create a potential erosive condition, shall be maintained in such a manner as to prevent or minimize sedimentation of any water course. In the event of suspension of all or a portion of any construction operation, effective erosion control shall be maintained for the duration of said suspension. Where storm water flows away from any exposed land, the owner shall provide effective erosion control during the period said land is exposed.

(c) Storm water drainage shall not be allowed to be discharged in such a manner as to erode any land.

8-2:804 Penalty

Any person who violates any of the provisions of this Part, shall, upon conviction, be punished by a fine of not more than $300.00 Each day shall be considered a separate violation.

8-2:805 Effective Date

The regulations in this Part shall become effective one year after the date of approval thereof.

D. C. Council Form # 1

Regulation No. 69-18

Passed by the District of Columbia Council April 9, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: [signature] *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia April 10, *19* 69

RECEIVED
APR 10 1969
OFFICE OF THE COMMISSIONER

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me April 18, *19* 69

Walter Washington *Mayor*

2551

Form # 3

18 1st Reading

L. O.

No. L. O.

Regulation
of the
District of Columbia

Date April 1, 1969

Date to Mayor

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel H.S.S.

Factual contents certified to by

Vaccination of Dogs Against Rabies
Title

Councilman Polly Shackleton Presents the following regulation

WHEREAS, the Commissioner of the District of Columbia has been notified by the Director of Public Health of said District that, notwithstanding the fact that immunization of dogs within the District of Columbia and other restrictive measures have curbed the disease of rabies in said District, said disease may spread within the District unless said measures are continued in force because the rabies virus is present in the Metropolitan Area and may exist from time to time in transient animals passing through the District;

WHEREAS, in accordance with provisions of § 1-230 of the District of Columbia Code, 1967 ed., and by virtue of the powers vested in it by Reorganization Plan No. 3 of 1967, the District of Columbia Council is empowered to require certain measures to be taken in the control of rabies.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that:

Section 1. The District of Columbia Council does hereby proclaim that:

1. (a) During the period between April 28, 1969, and May 3, 1969, both dates inclusive, every person owning or keeping or having custody of a dog of the age of three months or over in the District of Columbia shall have such dog vaccinated against rabies by a licensed veterinarian with anti-rabies vaccine of a type and strength approved by the Director of Public Health, except that if any dog within the District during the vaccination period prescribed above has been vaccinated against rabies within twelve months immediately preceding April 15, 1969, by a licensed veterinarian such dog need not be vaccinated again until twelve months after date of the last vaccination: Provided, That the owner, keeper, or person having custody of the dog has secured and kept a valid vaccination certificate and a numbered vaccination tag for such dog;

(b) Such vaccination may be done either at the expense of the District by veterinarians designated for that purpose, or by a private veterinarian at the expense of the person owning, keeping, or having custody of a dog;

2. (a) Upon such vaccination, the veterinarian administering the vaccine shall execute a certificate upon the form adopted by the Commissioner, which certificate shall be furnished to the owner or other person presenting a dog for vaccination, the stub of such certificate to be retained by said veterinarian and disposed of as directed by the Director of Public Health;

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell				X
Haywood				X	Thompson	X				Tucker	X			
Moore	X				Daugherty				X	Hahn	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on April 1, 1969 Adopted on second reading and final passage on April 9, 1969

Rejected By By Council Over Ride Vote Aye ☐ Nay ☐

Date

Mayor Council Chairman Stephen C. Swaim City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

(b) Every veterinarian practicing in the District shall furnish to the Director of Public Health such reports concerning dogs vaccinated by him against rabies as the Director of Public Health may require.

3. Veterinarians shall, upon vaccinating a dog against rabies, furnish to the owner or other person presenting such dog a numbered vaccination tag.

4. (a) Every person owning, keeping, or having custody of a dog in the District of Columbia shall affix and keep affixed to the collar or harness of such dog the vaccination tag provided for in this proclamation;

(b) No person owning, keeping, or having custody of a dog in the District shall affix or permit to be affixed to the collar or harness of such dog any tag other than a current tax tag, vaccination tag, or owner's identification tag;

(c) No person owning, keeping, or having custody of a dog in the District shall affix or permit to be affixed to the collar or harness of such dog a vaccination tag unless such vaccination tag was issued for such dog;

(d) No veterinarian licensed to practice in the District shall issue a certificate or vaccination tag for any dog unless such dog has been vaccinated by him against rabies.

5. The owner, keeper, or person having custody of any dog within the District which reached the age of two months after the effective date of this proclamation shall have such dog vaccinated against rabies within one month of the date upon which such dog reaches the age of two months. Such dog may be vaccinated either at the expense of the owner, keeper, or person having custody thereof by a licensed veterinarian, or at the expense of the District of Columbia at such times and locations as the Director of Public Health shall specify.

6. The owner, keeper, or person having custody of any dog brought into the District after April 15, 1969, shall have such dog vaccinated against rabies within fifteen days after its arrival herein. Provided, That if any such dog has been so vaccinated subsequent to April 15, 1969, and the owner, keeper, or person having custody of such dog has a valid certificate from the veterinarian who performed the vaccination and a vaccination tag for such dog, such dog need not be vaccinated again until twelve months after the date of the last vaccination.

Section 2. This proclamation shall become effective upon enactment, and shall continue in effect through April 15, 1970.

D. C. Council Form # 3

No. 69-19 1st Reading

No. ____ L. O.

No. ____ L. O.

No. ____ 2nd Rdg. and Final Passage

Regulation

of the

District of Columbia

Date April 1, 1969

Date to Mayor ____

Date Returned ____

Date Resubmitted to Council ____

Approved as to Form and Legality on Basis of Facts Set Forth

Charles T. Duncan
Corporation Counsel

Factual contents certified to by

Winifred G. Thompson
Title

Councilman Mrs. Polly Shackleton Presents the following regulation

Public Welfare Moving Cost for Recipients of Public Assistance

Regulation to authorize the Department of Public Welfare to pay moving costs to enable public assistance recipients to obtain public housing.

WHEREAS, the District of Columbia Council believes that assistance should be given to the extent necessary to enable public assistance recipients to benefit from public housing; and

WHEREAS, the Crisis Assistance and Services Program, authorized by Commissioners' Order No. 65-1409, dated September 30, 1965, as hereinafter amended, provides for financial assistance to meet crisis situations; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare shall authorize funds under the Crisis Assistance and Service Program to pay for moving costs when necessary to enable a public assistance recipient to move into public housing.

Section 2. The payment may be authorized

(1) as a money payment to the recipient when he makes his own arrangements for moving, or

(2) as a vendor payment to the moving firm when arrangements must be made by the Department.

Section 3. Section 2 of Commissioners' Order No. 65-1409 is hereby amended to read as follows:

"Operate a Crisis Assistance and Services Program for individuals or families in need of financial aid and appropriate social services to help them meet a crisis situation. The following criteria will be applied in determining persons eligible to receive services:

(1) The applicant must be faced with a temporary and immediate financial crisis which, if left unresolved, would lead to deprivation of basic necessities and, ultimately, to a state of dependency.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Anderson	X				Shackelton	X				Yeldell				X
Haywood				X	Thompson	X				Hahn	X			
Moore	X				Daugherty				X	Tucker	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on April 1, 1969 Adopted on second reading ____ and final passage on April 9, 1969

Rejected By ____ Mayor By Council ____ Over Ride Vote Aye ☐ ____ Nay ☐ ____

Date ____

Council Chairman Stephen C. Swann City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

(2) The applicant will be able to function independently if the immediate financial crisis is resolved expeditiously.

(3) The applicant must not be receiving assistance or services from the Child Welfare Division or the Public Assistance Division of the Department, except that a recipient of Old Age Assistance, Aid to the Blind, Aid to Families with Dependent Children, Aid to the Permanently and Totally Disabled or General Public Assistance may receive Crisis Assistance to pay the cost of moving into public housing.

(4) The applicant must cooperate fully in the determination of the nature of the crisis, of the extent of temporary need, and of eligibility."

Section 4. This regulation is effective upon passage.

Regulation No. 69-20

May 16, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Anti-theft Devices

Mr. Philip J. Daugherty Presents the following regulation:

WHEREAS, the high rate of unauthorized use and theft of motor vehicles in the District of Columbia requires the assistance of all measures designed to prevent crimes involving motor vehicles being used without permission of the owners thereof; and

WHEREAS, certain automobile accessory manufacturers have designed suitable sound devices which become operative upon an attempt at tampering with, or attempts to use without permission the motor vehicles of owners thereof; and

WHEREAS, provisions have been adopted by other jurisdictions allowing the use of anti-theft devices which are designed to prevent the unlawful use of or attempts at thefts from motor vehicles; and

WHEREAS, such sound devices are in the public interest in preventing or deterring unauthorized use of or thefts of property from motor vehicles;

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Part I, Article XV, Section 143, of the Traffic and Motor Vehicle Regulations of the District of Columbia be amended by adding the following subsection:

"(d) Upon approval by the Director, any vehicle may be equipped with a sound device designed to be used solely as a theft alarm system which must be so arranged that it cannot be used or controlled by the driver or other person for any purpose other than as such alarm system".

Section 2. This regulation becomes effective immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON				X	
TUCKER	X					HAYWOOD	X					THOMPSON	X				
ANDERSON				X		MOORE				X		YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on April 1, 1969.

Adopted on second and final reading May 13, 1969

Presented to the Mayor-Commissioner May 14, 1969 (Date)

Stephen C. Swaim
Secretary of the City Council

Approved Walter E. Washington
Mayor-Commissioner

5-16-69
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

Form # 1

Regulation No. 69-19

Passed by the District of Columbia Council April 9, *19* 69

Attest: Stephen C. Swaim *Secretary, D. C. Council*

Attest: [signature] *Chairman, D. C. Council*

Presented by me to the Mayor of the District of Columbia April 10, *19* 69

RECEIVED
APR 10 1969
OFFICE OF THE COMMISSIONER

Stephen C. Swaim *Secretary, D. C. Council*

Approved and signed by me April 19 *19* 69

[signature] *Mayor*

2551

Regulation No. 69-21

May 23, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE TEMPORARY MOTOR VEHICLE REGISTRATION

Mr. Philip J. Daugherty Presents the following regulation:

Amendment to Traffic and Motor Vehicle Regulations permitting issuance of temporary registration for period of twenty (20) days in lieu of ten (10) days in certain cases.

WHEREAS, it has been brought to the attention of the Department of Motor Vehicles that automobile dealers in the District of Columbia have experienced difficulty in processing papers necessary in the transfer of license tags from one vehicle to another following a trade-in or other transaction during the ten (10) day period now permitted by present regulations, especially in transactions involving the State of Maryland's Department of Motor Vehicles when sales are made by District dealers to Maryland residents; and

WHEREAS, a formal request for a change in the Regulations extending the present ten (10) day period has been received from the Automotive Trade Association National Capital Area; and

WHEREAS, it is believed that an extension of the ten (10) day period to one of twenty (20) days is in the interest of better administration of the Traffic and Motor Vehicle Regulations;

NOW, THEREFORE, BE IT ENACTED BY the District of Columbia Council that:

Section 1. Sections 20(a) and 40(c), Part III, Traffic and Motor Vehicle Regulations be amended as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON				X	
TUCKER				X		HAYWOOD	X					THOMPSON	X				
ANDERSON				X		MOORE				X		YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on May 13, 1969.

Adopted on second and final reading May 20, 1969

Presented to the Mayor-Commissioner May 21, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner 5-23-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

Strike the phrase "ten (10)" where the same appears in the two subparagraphs and insert in lieu thereof "twenty (20)".

Section II. This regulation shall become effective upon enactment.

Regulation No. 69-22

June 26, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to revise policy concerning contributions from non legally responsible relatives living with recipients of public assistance.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Regulation No. 68-11, as amended by Regulation No. 69-3, provides for disregarding a certain amount of total family income per month earned by families receiving Aid to Families with Dependent Children; and

WHEREAS, the Department of Health, Education, and Welfare has ruled that amounts disregarded shall be deducted from total gross family income; and

WHEREAS, Regulation No. 69-3, Section 4, specifies that earnings that can legally be disregarded will be deducted from a child's net income; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 4 of Regulation No. 69-3 is amended by striking the word "net" and inserting in lieu thereof the word "gross."

Section 2. The amendment made by this regulation shall become effective on passage.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON	X				
ANDERSON				X		MOORE				X		YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 9, 1969

Adopted on second and final reading June 17, 1969

Presented to the Mayor-Commissioner June 18, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) June 26, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 69-23

June 26, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to establish policy governing protective and vendor payments to public assistance recipients.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Sections 6(a), 1006, and 1405 of the Social Security Act (42 U.S.C. 306, 1206, and 1355) provide that payments in behalf of a person in need of public assistance may be made to another individual when such needy person has, by reason of his physical or mental condtion, such inability to manage funds that making payments to him would be contrary to his welfare; and

WHEREAS, Section 406(b) (2) of such Act (42 U.S.C. 606), provides for making payments to another individual who is interested in and concerned with the welfare of a dependent child or relative (with whom the child is living), or to a supplier of goods or services when making payments to the relative would be contrary to the welfare of the child; and

WHEREAS, Section 9 of the District of Columbia Public Assistance Act of 1962 (D. C. Code, Sec. 3-208) provides for making payments to a responsible individual in behalf of a recipient who has been found to be incapable of taking care of himself, his property, or his money; and

WHEREAS, the Department of Health, Education and Welfare has issued State plan requirements for providing protective and vendor payments for dependent children and protective payments for the aged, blind, or disabled; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON	X				
ANDERSON				X		MOORE				X		YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 9, 1969

Adopted on second and final reading June 17, 1969

Presented to the Mayor-Commissioner June 18, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) June 26, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. (a) The Department of Public Welfare may authorize protective or vendor payments in behalf of dependent children under the following conditions:

(1) It has been clearly determined that the parent or relative persistently mismanages the assistance payment to the detriment of the child as evidenced by such factors as the improper clothing and feeding of the children, failure to pay rent resulting in repeated evictions, and other similar indications of money mismanagement;

(2) The individual selected as payee for the family has demonstrated his interest and concern in the welfare of the family, has the ability to establish and maintain a positive relationship and help the family to make proper use of the assistance payment, and is a responsible and dependable person. Members of the staff of the Department or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(3) A determination has been made as to what requirements, if any, will be met by vendor payments to persons providing goods and services with, to the extent possible, the participation and consent of the Aid to Families with Dependent Children relative.

(b) The Department, with the cooperation of the payee, will undertake and continue special efforts to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family.

(c) The cases of AFDC children for whom protective or vendor payments are being made shall be reviewed at least every six months to determine whether there is a need to continue such payments or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

(d) Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, as follows:

(1) When relatives are considered able to manage funds in the best interest of the child, there will be a return to money payment status.

(2) When it appears that need for protective payments or payments to a person furnishing goods or services will continue or is likely to continue beyond one year because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian or other legal representative will be sought and such payments will terminate when the appointment has been made.

(e) An opportunity for a fair hearing will be given to the relative of the children with respect to the determination of whether a protective or vendor payment should be made or continued, the selection of the payee, or if foster care should be provided.

(f) Federal financial participation for individuals receiving protective or vendor payments in any month is limited to ten percent of all AFDC recipients, exclusive of persons for whom protective or vendor payments are made by reason of failure to participate in the Work Incentive Program.

Section 2. (a) The Department may authorize protective payments in behalf of adult recipients of public assistance under the following conditions:

(1) When there has been made a clear determination that a needy individual has, by reason of physical or mental impairment, such an inability to manage funds that making payments to him would be contrary to his welfare, as evidenced by his repeated failure to pay for rent and other esentials, exploitation of him in money matters by other persons, and medical or psychological reports indicating severe mental retardation, disorientation, or memory loss;

(2) When the individual selected as payee has shown an interest in and concern for the welfare of the recipient, is accessible to the recipient, has the ability to establish and maintain a positive friendly relationship with the recipient, and is dependable and able to use the assistance payment in the best interests of the recipient. Members of the staff of the Department or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(b) The adult recipient shall be given the opportunity for a fair hearing with respect to any decision to make or continue protective payments or the selection of the payee.

(c) The Department will undertake and continue special efforts to improve, to the extent possible, the recipient's capacity for self-care and his ability to manage funds.

(d) Reconsideration of the need for protective payments shall be made as indicated by the recipient's circumstances and, in any event, at least every six months.

(e) The Department shall initiate court proceedings for the judicial appointment of a guardian or other legal representative whenever it appears that such an appointment will best serve the interests of the recipient.

(f) The Department shall authorize protective payments only when the Department can meet total need for all cases based on the current Standard for Requirements.

(g) Federal financial participation shall be claimed for protective payments in behalf of recipients of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled. No Federal financial participation may be claimed for recipients of General Public Assistance.

Section 3. The effective date of this regulation shall be retroactive to July 1, 1968.

Regulation No. 69-24

June 27, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to disregard certain payments made to public assistance recipients under the Economic Opportunity Act and the Manpower Development and Training Act, and to disregard income from any source to the extent permitted by the Social Security Act.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Section 701 (a) (1) and (2) of the Economic Opportunity Act (42 U.S.C. 2981) provides for disregarding a portion of income paid to public assistance recipients under titles I and II of the Economic Opportunity Act (42 U.S.C. 2711); and

WHEREAS, title I, Part B, of the Economic Opportunity Act (42 U.S.C. 2737) was amended by Public Law 90-222 to include work and training for adults with special provisions for unemployed persons fifty-five years and older (Section 126); and

WHEREAS, the Department of Health, Education, and Welfare in its requirements for State plans, limits the training period under titles I and II of the Economic Opportunity Act to 12 months and applies the payment exception to the first $150 paid monthly to a recipient; and

WHEREAS, the Manpower Development and Training Act, Section 203 (1) and (2) (42 U.S.C. 2583) provides for paying a training incentive payment to a public assistance recipient participating in a training program, which is to be disregarded in determining his need for assistance (amended by Public Law 90-248 to exclude recipients under title IV of the Social Security Act); and

WHEREAS, in determining the need for public assistance, the Social Security Act, Sections 2(a) (10) (A), 1002 (a) (8) (C), and 1402 (a) (8) (A) (42 U.S.C. 302, 1202, 1352), provides for disregarding $7.50 of income from any source of persons receiving aid under such programs, and Section 402(a) (8) (B) (42 U.S.C. 602) provides for disregarding $5 of income from any source of recipients of Aid to Families with Dependent

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON	X				
ANDERSON				X		MOORE				X		YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 9, 1969

Adopted on second and final reading June 17, 1969

Presented to the Mayor-Commissioner June 18, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter E. Washington, Mayor-Commissioner June 27, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

Children; and

WHEREAS, there is no statutory provision for disregarding income of recipients of General Public Assistance, but the District of Columbia Council believes that recipients in all adult categories should be treated equally, and that $7.50 of income of recipients of General Public Assistance should be disregarded; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare, in determining the need for Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and General Public Assistance, shall disregard seven dollars and fifty cents per month of income from any source of persons applying for or receiving such aid.

Section 2. The Department of Public Welfare, in determining need for Aid to Families with Dependent Children shall disregard $5.00 of income from any source of persons applying for or receiving such aid.

Section 3. The Department of Public Welfare, in determining the need for Old Age Assistance, and Aid to the Permanently and Totally Disabled applicants or recipients shall disregard $85 and one-half of the excess over $85 of the first $150 paid to beneficiaries under titles I and II of the Economic Opportunity Act for a period not to exceed 12 months. Any amount in excess of the disregarded amounts must be considered as a resource to the assistance unit to the extent that it is actually available to the unit. Any payment made to a spouse or parent is assumed to be available for family support.

Section 4. The Department of Public Welfare, in determining the ability of legally responsible relatives to contribute to adult public assistance recipients, will apply the policy in Section 3 in determining net income when the income is from payments or allowances received from programs under titles I or II of the Economic Opportunity Act.

Section 5. In determining the need of adult recipients who have enrolled in a training program under the Manpower Development and Training Act, the Department of Public Welfare shall disregard the amount of the training incentive payment up to $20 a week and an expense allowance up to $10 a week.

Section 6. This regulation as it relates to provisions of the Economic Opportunity Act and the Manpower Development and Training Act shall be effective retroactive to July 15, 1968; as it relates to disregarding other incomes shall be effective January 1, 1969.

Regulation No. 69-25

July 3, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE RENTAL OF PUBLIC VAULT SPACE.

Mr. Philip Daugherty Presents the following regulation:

WHEREAS, Public Law 90-596 found that there is a need for permitting and regulating the use of public space for private gain, and

WHEREAS, Public Law 90-596 gives to the District of Columbia Council the power to make rules and regulations for the use of publicly owned space on and below the surface of the land,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. That language set forth as Appendix A of this regulation is hereby adopted as Section 9 of Article 43 of the Police Regulations of the District of Columbia. Wherein conflict with any other sections of this Article Section 9 is controlling.

Section 2. The Police Regulations of the District of Columbia are amended as follows:

"Article 3, Section 4 by substituting a colon for the period after the last word and adding the following:

"PROVIDED, that personal property placed on public space under a permit in accordance with the provisions of ARTICLE 43 of these regulations, and maintained as required by ARTICLE 43, shall be exempt from the provisions of this Section."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON				X	
TUCKER				X		HAYWOOD				X		THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 17, 1969

Adopted on second and final reading June 24, 1969

Presented to the Mayor-Commissioner June 25, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) July 3, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert A. Rogers
Acting Secretary of the City Council

P-251

Certified copies are available.

Article 3, Section 13(a) by adding in line 3 after the words...in ARTICLE 4...the following:

"and ARTICLE 43"

Article 4, Section 12 by substituting a colon for the period after the last word and adding the following:

"PROVIDED, that nothing in this Section shall be construed to prohibit installation of any readily movable fixture authorized under a permit issued in conformity with the provisions of ARTICLE 43 of these regulations."

"Article 4, Section 20 by substituting a colon for the period after the first sentence and adding the following:

"PROVIDED, that nothing shall be construed to prohibit such activity when authorized under a permit issued in conformity with the provisions of ARTICLE 43 of these regulations."

Article 28, Section 2(a) by substituting a comma for the period after the last word and adding the following:

"except as provided in ARTICLE 43 of these regulations."

Section 3. The Building Code Regulations of the District of Columbia are hereby amended as follows:

Section 3-151 by substituting the following in lieu thereof:

"Before issuance of a permit for the use or construction of a vault, the owner of the abutting private property shall execute an agreement, in the form prescribed by the District, 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 Commissioner may inspect such vault during regular business hours; (3) that the Commissioner 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 utility underground construction, which the Commissioner 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;

69-25

July 3, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE RENTAL OF PUBLIC VAULT SPACE.

Mr. Philip Daugherty Presents the following regulation:

WHEREAS, Public Law 90-596 found that there is a need for permitting and regulating the use of public space for private gain, and

WHEREAS, Public Law 90-596 gives to the District of Columbia Council the power to make rules and regulations for the use of publicly owned space on and below the surface of the land,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. That language set forth as Appendix A of this regulation is hereby adopted as Section 9 of Article 43 of the Police Regulations of the District of Columbia. Wherein conflict with any other sections of this Article Section 9 is controlling.

Section 2. The Police Regulations of the District of Columbia are amended as follows:

"Article 3, Section 4 by substituting a colon for the period after the last word and adding the following:

"PROVIDED, that personal property placed on public space under a permit in accordance with the provisions of ARTICLE 43 of these regulations, and maintained as required by ARTICLE 43, shall be exempt from the provisions of this Section."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON				X	
TUCKER				X		HAYWOOD				X		THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 17, 1969

Adopted on second and final reading June 24, 1969

Presented to the Mayor-Commissioner June 25, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) July 3, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert C. Rogers
Acting Secretary of the City Council

P-251

Certified copies are available.

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"PROVIDED, that nothing in this Section shall be construed to prohibit installation of any readily movable fixture authorized under a permit issued in conformity with the provisions of ARTICLE 43 of these regulations."

"Article 4, Section 20 by substituting a colon for the period after the first sentence and adding the following:

"PROVIDED, that nothing shall be construed to prohibit such activity when authorized under a permit issued in conformity with the provisions of ARTICLE 43 of these regulations."

Article 28, Section 2(a) by substituting a comma for the period after the last word and adding the following:

"except as provided in ARTICLE 43 of these regulations."

Section 3. The Building Code Regulations of the District of Columbia are hereby amended as follows:

Section 3-151 by substituting the following in lieu thereof:

"Before issuance of a permit for the use or construction of a vault, the owner of the abutting private property shall execute an agreement, in the form prescribed by the District, 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 Commissioner may inspect such vault during regular business hours; (3) that the Commissioner 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 utility underground construction, which the Commissioner 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 Public Law 596, of the 90th Congress. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner."

Section 3-202 by substituting the following definition for 'Vault' as follows:

"Vaults 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 the Act approved December 20, 1944, as amended (D.C. Code, Sec. 1-244(d)), or structures or facilities of the United States or the District of Columbia, or of any governmental entity or foreign government, or any structure or facility included in any lease agreement entered into by the Commissioner. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term 'vault' as used in Public Law 596 shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of that law."

Article 3-362 (b)(1)(bb) by substituting the following in lieu thereof:

"The application for a vault permit shall be accompanied by a certified copy showing the recordation with the Recorder of Deeds, District of Columbia of a written agreement upon the official form for the purpose signed by the owner of the abutting property, contracting to release and relinquish the vault space, and to remove, free of expense to the District of Columbia all structural parts of the vault when so ordered by the Commissioner, as required by Article 43, Section 4 of the Police Regulations."

Section 3-362 (b)(3)(aa) by substituting the following in lieu thereof:

"In business districts, vaults shall not be used for public entrance to basements, nor for the housing of boilers, plumbing fixtures, or other mechanical appliances or equipment, but may be used for the storage of readily movable personal property, as sales or office space, for the storage of fuel or for the parking of motor vehicles. Filling pipes for fuel oil shall be extended to within eighteen (18) inches of the curb line when physically possible. Such pipes shall terminate in filling boxes of approved pattern. A separate permit will be required for filling pipes and boxes. Other uses not specifically forbidden by law, code or regulation may be approved as provided in Article 43 of the Police Regulations."

Section 3-362(b)(5)(aa) by deleting in entirety and substituting the following in lieu thereof:

"Vaults shall be construed so as not to interfere with sewers, water mains, gas mains, electric or telephone conduits, signal conduits, manholes, lamp posts, trees, or any other public or

public utility works or improvements."

Section 3-362 (b)(5)(bb) by deleting in entirety and substituting the following in lieu thereof:

"If construction or alteration of a vault requires the removal or relocation of utilities, and if by agreement a public utility or District utility arranges to alter its facilities, the owner of abutting property shall notify the appropriate company or office concerned as to when he has been issued a permit and is ready to start construction or alteration work."

Section 3-1327(b) by deleting all reference to sixty (60) days wherever it appears and substituting six (6) months.

Section 4. The Traffic and Motor Vehicle Regulations of the District of Columbia are hereby amended as follows:

Part I, Article XIII, Section 79(b) 12 by deleting the period after the number '171' and adding the following:

"and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

"Part I, ARTICLE XIII, Section 79(c)1 by deleting the period after the number '171' and adding the following:

"and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

"Part I, ARTICLE XIII, Section 79(c) 6 by deleting the period after the word alley and adding the following:

"except parking shall be permitted in a public alley and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

Section 5. This regulation shall take effect immediately upon enactment.

APPENDIX A

ARTICLE 43
POLICE REGULATIONS
PUBLIC SPACE RENTAL

Sec. 1 - DEFINITIONS

The words and phrases used in this Article shall have the meanings respectively ascribed to them by Section 103 of the Act approved October 17, 1968 (Public Law 90-596; 82 Stat.1156) and in addition to the said words and phrases the following words and phrases shall have the meanings respectively ascribed to them in this section. Such meanings shall obtain except in those instances where the context clearly indicates a different meaning.

"Act" means the District of Columbia Public Space Rental Act, approved October 17, 1968 (Public Law 90-596, 82 Stat. 1156).

"Committee" means the Public Space Committee of the District of Columbia as constituted by Commissioners' Order No. 346646, dated October 8, 1935.

"Council" means the District of Columbia Council.

"Department" means the Department of Highways and Traffic.

"Director" means the Director, Department of Highways and Traffic or his designated agent.

"Director of Finance and Revenue" means the Director of the Department of Finance and Revenue, or his designated agent.

"Director of Economic Development" means the Director of the Department of Economic Development, or his designated agent.

"District" means the District of Columbia.

"Permit Branch" means the Permit Branch of the Bureau of Licenses and Inspections, Department of Economic Development.

"Surface Space" means all that space between the building line and the curb regardless of whether such space is paved or unpaved.

"Treasurer" means the District of Columbia Treasurer.

Sec. 2 - GENERAL

(a) Administration and Enforcement of Act

In connection with the administration and enforcement of the Act and this Article, the following officials shall perform the duties respectively assigned to them in this section.

(1) When a property owner requests the use of public space the Director shall investigate the public need for said space, consider the proposed use of the space, and recommend to the Committee approval or disapproval of such use. The Director shall inspect such space, when he deems it necessary, to determine compliance with the Act, these regulations, and the terms of the permit. He shall refer to the Director of Economic Development violations of the Act, these regulations, or the permit, or conditions requiring remedial action. If, as a result of the private use of surface space, an imminently dangerous condition is discovered and public safety requires, the Director shall take such steps as are necessary to immediately remedy the situation.

(2) The Committee shall, on recommendation from the Director, determine the public need for public space, what private use may be made of it, and what may be erected or installed therein. The Committee shall approve or disapprove all applications for the use of public space referred to it by the Director, and no permit for such use shall be issued without Committee approval.

(3) The Director of Economic Development shall receive all applications for permits to occupy or use public space, referring them to the proper departments for review and approval or disapproval. In the case of vaults he shall determine the structural adequacy of proposed construction, investigate all questions of structural defects in exsisting vaults, and inspect them when he deems necessary to determine their physical condition. If a vault or related construction is found to be an imminently dangerous condition and public safety requires, the Director of Economic Development shall take such steps as are necessary to immediately remedy the situation. Through the Permit Branch he shall issue all approved public space permits. He shall

investigate violations of the Act, these regulations or the terms of the permit, and take necessary action to remedy the situation.

(4) The Director of Finance and Revenue shall render all bills and collect all rents and other charges for public space occupancy and use, as provided by law and regulation.

(5) The Corporation Counsel, District of Columbia, or his designated assistant, shall institute and prosecute any action determined by him to be necessary by reason of any violation of the Act and these regulations.

(b) Application for Permit

Application for permit for the occupancy and use of public space shall be signed by the owner and filed in the Permit Branch on the form provided by the District, in the number of copies required, with such attachments as may be necessary.

(c) General Conditions

(1) Any personal property placed on public space by the permittee shall be readily movable, maintained in a good clean condition, and shall not be allowed to deteriorate, become unsightly or dangerous to the public.

(2) Any property owner who wishes to sub-let public space, either surface or below the surface, shall file with the Director a notarized copy of the rental agreement covering the space to be sub-let prior to the issuance of an occupancy permit.

(3) The current schedule of rent, provided for in the Act, and established by the Council, shall be available from the Permit Branch.

Sec. 3 - VAULTS

(a) Permits

No excavation or structural work of any kind, including abandonment, shall be done on a vault without a permit, nor shall any fault remain in public space unless authorized by a valid permit issued to the owner.

(b) If Constructed Prior to July 1, 1969

Under the conditions of the Act, all permits issued for vaults constructed prior to July 1, 1969, expire on that date, and the owner may elect to do one of the following:

(1) Abandon the vault. Specifications for abandonment may be secured from the Underground Locations Section, Department of Highways and Traffic. No rent will be charged for any existing vault abandoned by December 31, 1969.

(2) Retain and use the vault. Issuance of a permit for this purpose shall be continued on the prior execution and recordation by the owner with the Recorder of Deeds, D. C., of an agreement, on the form provided by the Department and obtainable from the Permit Branch. A certified copy of the recorded agreement shall be furnished to the Department prior to issuance of a permit. Insurance, or other security, as specified in section 5 of this Article, shall be secured and be in effect at the time of issuance of the permit.

(3) Maintain only a portion of the vault, abandoning the remainder. Application shall be made for permit to abandon as provided in subsection (b) (1) of this section. The provisions of subsection (b) (2) of this section will apply to the portion maintained.

(c) If Constructed on or After July 1, 1969

Vaults constructed on or after the first day of July 1969 are subject to the provisions of the Act shall be subject to all applicable portions of all Codes and Regulations of the District.

(1) Application for a permit shall be made as provided in section 2 (b) above, and in subsections (a) and (b) (2) of this section.

(2) When an owner notifies the Commissioner in writing of the abandonment of a vault, rent shall be charged until the Director has vertified the abandonment.

(d) Alteration, Repair or Replacement

(1) A vault may be altered, repaired, or replaced only under permit obtained and issued in accordance with applicable provisions of this Article.

(2) Where a new building is to be erected on property adjoining an existing vault and the vault space is to be used immediately or shortly for the construction of a new vault the existing vault may be sealed by construction of a solid masonry wall separating it from the private property. In such case the vault

agreement and insurance shall remain in effect and full responsibility shall rest on the owner, but no rent will be charged for the space until the new vault is constructed: Provided, that if construction on the new building shall not have been started within six months following the construction of the sealing wall rent will again be charged for the space occupied by the sealed vault at the previous rate until construction is started: And Provided Further, that if construction is suspended after starting, and remains suspended for six consecutive months, rent will be charged as above during the remainder of the period of suspended construction.

(e) Abandonment

(1) When an owner wishes to abandon a vault constructed after July 1, 1969, the provisions of subsection (b) of this section regarding abandonment of vaults constructed before that date shall apply.

(2) When abandonment is in connection with subway construction the execution of an agreement between the owner and the Washington Metropolitan Area Transit Authority transferring full responsibility to the latter agency will relieve the owner of all responsibility, including rent, providing the owner notifies the Director in writing, and furnishes an executed copy of the agreement.

(f) Dangerous Conditions

When, in accordance with Section 306 of the Act, the Director of Economic Development serves a notice upon an owner informing him that the vault is unsafe, said owner shall immediately, upon proper permit, make repairs or abandonment in accordance with Department of Economic Development specifications, and shall complete the work within the time stated in said notice.

(g) Tax Sales

Delinquent rent and charges shall be collected in the same manner as delinquent real estate taxes. If any such tax remains unpaid after two years from the date that such tax was levied, the Director of Finance and Revenue will send to the property owner a notice of intent to advertise the property for tax sale. This notice shall state, as a minimum, the date of the tax sale, the square and lot number of the property to be sold, the amount of tax due, and the last date on which the tax may be paid before the property will be advertised for sale.

(h) Installation of Utilities and Surface Changes

(1) When the Director considers it in the public interest to construct or authorize construction of any utility in, through, under, over or in place of any vault the Director will request the Director of Economic Development to serve a notice on the owner stating the need for the vault space, what portion is required, and the date by which it must be available. Within the time specified in the notice the owner shall do such work as is necessary to clear the required space.

(2) The Director is authorized to accept an arrangement between the owner and the utility under which the utility will do all or part of the required work on the vault in conjunction with the utility installation. Such arrangement shall not relieve the owner of any responsibility under the vault permit and the recorded agreement. All abandonment or alteration effected by the utility shall be under permit, and to Department specification.

(3) When any change proposed to be made in the roadway, sidewalk, or other surface adjoining a vault, will affect the vault, the owner will be notified as provided above in subsection (1) of this section and he shall make all necessary modifications to the vault within the specified time.

(i) Uses of Vaults

Vaults may not be used for any purpose prohibited by Section 3-362 (b) (3) (aa) of the Building Code. They may be used for storage of readily movable personal property, as sales or office space, for the storage of fuel, or for the parking of motor vehicles. Other uses not specifically forbidden by law, code or regulation may be approved by the Director if he finds it in the public interest to do so:

Sec. 5 - INSURANCE OR OTHER SECURITY, PENALTY

(a) Insurance

The minimum limits of liability insurance required shall be $100,000.00 for one person in any one accident, $500,000.00 for the aggregate of all persons in any one accident and $10,000.00 property damage in any one accident. The insurer must be acceptable to the Director.

(b) Other Security

In lieu of the insurance specified above the Director may accept any of the following as security, in the amounts specified in subsection (a) of the section.

(1) United States currency.

(2) Certified check or cashier's check made payable to the D. C. Treasurer .

(3) Negotiable U. S. Treasury Bonds.

(c) Penalty for Violation

Any person who shall violate any provision of this Article shall be punished by a fine not exceeding $300.00 or imprisonment for not more than ten days for each and every day the violation continues.

Regulation No. 69-26

July 25, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to Establish a Standard for Promptness in Disposing of An Application for Public Assistance

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Sections 3-206 and 3-207 of the District of Columbia Code require that a prompt investigation and record of the circumstances of an applicant be made and assistance be furnished with reasonable promptness to eligible persons; and

WHEREAS, Sections 2 (a) (8), 402 (a) (10), 1002 (a) (11), and 1402 (a) (10), of the Social Security Act (42 U.S.C. 302, 602, 1202 and 1352) provide that all individuals wishing to make application for assistance shall have the opportunity to do so and that assistance shall be furnished with reasonable promptness to all eligible individuals; and

WHEREAS, the Department of Health, Education and Welfare has defined reasonable promptness as a period not in excess of thirty days; and

WHEREAS, pursuant to paragraph 83 and 85 of Section 402 of Reorganization Plan No. 3, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to prescribe the manner and form in which applications for public assistance shall be made.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 17, 1969

Adopted on second and final reading July 15, 1969

Presented to the Mayor-Commissioner July 16, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

July 25, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert A. Rogers
Acting Secretary of the City Council

P-251

Certified copies are available.

Section 1. The Department of Public Welfare shall approve or disapprove applications received for public assistance with reasonable promptness. Such action shall not exceed thirty days from the date the Department received the application to the date the applicant receives his first assistance check or his notice of ineligibility, unless delay is caused by circumstances beyond the Department's control. Such circumstances include those unusual circumstances which are:

(a) wholly within the applicant's control;

(b) beyond his control, such as hospitalization or imprisonment; or

(c) an administrative or other emergency that could not be reasonably controlled by the agency.

Section 2. The Department shall not terminate its consideration of an application for assistance solely because it has been unable to establish the eligibility of the applicant within the thirty day period.

Section 3. Each applicant shall be informed of the Department's standard of promptness and of his right to a hearing if action is not taken within the specified period to grant assistance or to notify him of his ineligibility.

Section 4. This regulation shall become effective upon passage.

Regulation No. 69-27

July 25, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to Establish Policy Governing Payment for Repairs to a Home owned By an Individual Who is Receiving Public Assistance

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Social Security Amendments of 1967 added Section 1119 to the Social Security Act (42 U. S. C. 1319) to authorize Federal participation in payments for repairs to a home owned by a recipient receiving aid or assistance under a State plan approved under Titles I, X, XIV, or Part A of Title IV of such Act; and

WHEREAS, the Department of Health, Education, and Welfare has issued State plan requirements specifying conditions under which Federal participation may be claimed for expenditures to the home of a recipient receiving assistance under one of the program titles cited above; and

WHEREAS, Section 18 (b) of the District of Columbia Public Assistance Act of 1962 (D. C. Code, Section 3-217 (b)), authorizes the District of Columbia to assert a lien against the real property of recipients of Old Age Assistance and Aid to the Permanently and Totally Disabled, thereby making expenditures for repairs to such property an advantageous investment for the District; and

WHEREAS, Section 24 of the District of Columbia Public Assistance Act of 1962 repealed all prior Acts authorizing public assistance for certain needy persons in the District of Columbia, but provided that "notwithstanding such repeal, all claims of the District of Columbia for recovery of amounts expended for aid or assistance granted under such repealed Acts which it now has, or which would have accrued had such Acts not been repealed, shall be recoverable in the same manner and to the same extent as such amounts would be recoverable had such aid or assistance been granted under the provisions of this Act"; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 17, 1969

Adopted on second and final reading July 15, 1969

Presented to the Mayor-Commissioner July 16, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

July 25, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert A. Rogers
Acting Secretary of the City Council

P-251

Certified copies are available.

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare may authorize an expenditure for repairs to a home which a recipient of Aid to Families with Dependent Children, General Public Assistance, and Aid to the Blind owns or is buying, when there has been no assignment or transfer to the District of such property, if:

(1) a determination has been made that (A) the home is so defective that continued occupancy is not warranted, (B) unless repairs are made the recipient would have to move to rental quarters, and (C) the rental cost of quarters for the recipient and his family over a period of two years would exceed the cost of repairs needed to make the home habitable together with other costs attributable to continued occupancy of the home; and

(2) there has been no expenditure for repairs prior to the determination described in paragraph (1).

Section 2. The Department may authorize an expenditure for repairs to a home which a recipient of Old Age Assistance, Aid to the Permanently and Totally Disabled, and Aid to the Blind owns or is buying, when there is a lien in favor of the District, or there has been an assignment or transfer of such property to the District prior to 1962, asserted to protect the interests of the District of Columbia.

Section 3. When the cost of repairs to the home of a recipient of Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children exceeds $500, Federal financial participation of 50 per centum shall be claimed only on that portion of the expenditure which does not exceed $500. Federal financial participation shall not be claimed for expenditures for repairs to the home of a recipient of General Public Assistance.

Section 4. This regulation shall become effective upon passage.

Regulation No. 69-28

Enactment Date

Regulation

of the

District of Columbia

TITLE LICENSING REQUIREMENTS FOR CLASS "A" TOUR GUIDES

Mr. Philip Daugherty ---------- Presents the following regulation:

WHEREAS, the City Council finds that the present requirements to be a Class A Guide in the District of Columbia unduly restricts persons who are capable of being employed in such work, and

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402, (387) transferred to the District of Columbia Council the function of making rules and regulations for guides,

NOW, THEREFORE, BE IT ENACTED BY THE District of Columbia Council that:

Section 1. Section 4(a) of Article 2 of the Police ~~Department~~ Regulations of the District of Columbia is amended to read as follows:

"No license to act as a guide in the District of Columbia under the provisions of Article 47-~~2338~~ Section of the District of Columbia Code shall be issued unless application has been made to the Mayor-Commissioner."

Section 2. Section 4(b) of Article 2 of the Police ~~Department~~ Regulations is amended by striking the last sentence and substituting the following in lieu thereof:

"For the purpose of this article, the term 'District of Columbia Metropolitan Area' means the Standard Metropolitan Statistical Area for Washington, D. C."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 17, 1969.

Adopted on second and final reading July 15, 1969

Presented to the Mayor-Commissioner July 16, 1969 (Date)

Robert A. Rogers
Acting Secretary of the City Council

Approved ---------- (Mayor-Commissioner) ---------- (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ---------- (Date)

Disapproved and returned to the City Council Walter Washington (Mayor-Commissioner) July 25, 1969 (Date)

Readopted ---------- (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Acting Secretary of the City Council

P-251

Certified copies are available.

Section 3. Section 5 of Article 2 of the Police Regulations is repealed and the following is substituted therefor: "Each person making application to be a Class A sightseeing guide shall meet the following requirements:

(1) Be not less than ~~18~~ 21 years of age and a resident of the District of Columbia Metropolitan Area.

(2) Be able to read, write, and speak the English language.

(3) Not be covered by diplomatic immunity.

(4) Be determined trustworthy by the Mayor-Commissioner.

(5) Be of sound physique as determined by standards set forth by the Mayor-Commissioner.

(6) Each person making application for a Class A Guide License shall submit to the Mayor-Commissioner such fingerprints or other identifying documents as he may require.

(7) a. Each applicant shall be required to pass an examination under the supervision of the Mayor-Commissioner.

b. The Mayor-Commissioner shall prepare a test requiring a knowledge of the public buildings and points of historical and general interest in the District of Columbia. Such test shall also require a fundamental knowledge of the workings of the Government of the United States, and the Government of the District of Columbia, and such other knowledge as is deemed appropriate for this occupation.

c. The Mayor-Commissioner may within his discretion establish additional standards for guides who may deal with non-English speaking persons, provided that none of the standards of this article may be waived or abolished in issuing such standards.

Section 4. Section 7 of said Article is repealed and substitute therefore the following:

"Section 7"

"Each person making application for a Class B license as a sightseeing guide shall meet the following requirements:

(1) Be not less than ~~18~~ 21 years of age.

(2) Meet the requirements of subsections 2-7 inclusive of Section 5 of this Article.

Section 5. Article ~~43~~ 3 of the Police Department Regulations is hereby amended striking the words "Chief of Police" wherever they may appear and substituting in lieu thereof the words "Mayor-Commissioner."

Section 6. Article ~~43~~ 2 of the Police Department Regulations is hereby amended adding a new section as follows:

"Section 10. For the purposes of this Article the term "Mayor-Commissioner" shall also mean any agent or agency of his designation."

Section 7. This regulation shall take effect immediately upon enactment.

Memorandum ● Government of the District of Columbia

TO: The Chairman, District of Columbia Council

Department, Agency, Office: Executive Office

FROM: The Mayor

Date: July 25, 1969

SUBJECT: Regulation No. 69-28, licensing requirements for Class A sightseeing guides.

I am returning to the Council, without my approval, Regulation No. 69-28, establishing licensing requirements for sightseeing guides.

I note that one of the principal purposes of the regulation is to increase job opportunities for young people, by lowering to 18 years the age at which application for licensing as a sightseeing guide may be made. I strongly support any action which increases job opportunities for our youth. In doing this, however, the regulation creates certain problems discussed in greater detail in the attached memorandum of the Corporation Counsel.

Accordingly, in the belief that the Council may wish to reconsider the regulation in the light of the comments of the Corporation Counsel, and revise it so as to avoid the problems it may create in its present form, I am disapproving it.

Memorandum ● Government of the District of Columbia

TO: Mr. Martin K. Schaller
Executive Secretary

Department, Corporation Counsel, D.C.
Agency, Office: L&O:RFK:paf

FROM: Mr. Hubert B. Pair HBP
Acting Corporation Counsel, D.C.

Date: July 25, 1969

SUBJECT: Regulation No. 69-28.

You have forwarded to this office, for its review and advice as to whether the Mayor should sign it, Regulation No. 69-28, the principal purpose of which is to amend Article 2 of the Police Regulations of the District of Columbia so as to reduce to 18 the age limit for persons making application to be licensed by the District of Columbia as sightseeing guides.

While the regulation purports, by its lowering of the age limits for sightseeing guides, to increase job opportunities for young people, the regulation actually has a more sweeping effect. In addition to lowering the age limit for both Class A guides and Class B guides (i.e., persons residing outside the Washington Metropolitan Area, who come into Washington on trips originating outside the area), the regulation eliminates the present tests to determine whether an applicant for a guide license is of good character, substituting therefor the vague and indefinite standard of "trustworthy". This term, among other things, presumably is intended to mean, according to a memorandum from Mr. Daugherty to the Councilmen, "that for a person under (sic) 18, the term trustworthy will require someone 21 or older, being responsible for the youth's contracts." Despite the language in Mr. Daugherty's memo, I take it that what he means is that with respect to persons under 21 who are making application for a sightseeing guide license, the term "trustworthy" is to be taken as meaning that someone 21 years or older will be contractually responsible for the activities of the person who is under 21.

I have some difficulty with respect to this approach to the contractual responsibility of minors. It would appear, first, that each application submitted by a person under the age of 21 who is seeking a sightseeing guide license would have to be accompanied by the undertaking of someone 21 years of age or older, who agrees to be responsible for any debts or other obligations which the applicant might incur in the performance of his duties as a sightseeing guide. Further, the issuance of a sightseeing guide license to any such person would probably have to be conditioned upon his presenting to those with whom he would be dealing a notice to the effect that someone 21 years of age or older is assuming responsibility for such dealings as he may have. Again, I question whether any such arrangement as this is either desirable or enforceable.

I note that while Regulation No. 69-28 principally amends Article 2 of the Police Regulations, sections 5 and 6 amend in two respects Article 43 of the Police Regulations--an article providing for the denomination of business streets and the use of sidewalk space thereupon. The first of these amendments substitutes "Mayor-Commissioner" for the term "Chief of Police" wherever such term appears in Article 43. The Article does not, however, appear to make reference in any of its provisions to the "Chief of Police". The second amendment adds a section 10 to Article 43, the last section of which is numbered "8".

The regulation also requires minor editing changes. In the first section, reference is made to "Article 47-2338 of the District of Columbia Code", meaning "section 47-2338". Closing quotation marks are omitted at the end of section 3 and section 4. Throughout the regulation reference is made to "Police Department Regulations", instead of "Police Regulations of the District of Columbia".

Generally, the matter dealt with in this proposed regulation is one of policy--that is, whether to provide for the licensing, as sightseeing guides, of persons 18 years of age or older, regardless of whether they reside in the Washington Metropolitan Area. While I am in accord with the idea of increasing job opportunities for young persons, I question

whether the proposed regulation provides protection to the public, both from the standpoint of complying with the obligations of a contract on the part of those guides who are under 21 years of age, and eliminating the present standards for determining whether any applicant for a sightseeing guide license, regardless of his age, is of good character. In view of this, I recommend that the Mayor not approve the proposed amendments of the Police Regulations, pending some clarification by the Council with respect to the two principal points I have mentioned.

District of Columbia City Council

Memorandum

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To MEMBERS OF THE CITY COUNCIL

From Phillip J. Daugherty

Date July 15, 1969

Subject Class A Guides

After a public hearing my committee suggested several changes in the current Guide licensing requirements. Among these was a lowering of the age to be a guide from 21 to 18. This was in keeping with Councilman Anderson's Youth Affairs Committee's and the Council's work to increase jobs for young people.

My committee has been contacted by the Deputy Mayor on this point. While the Mayor's side shared our concern for creating youth opportunities there was concern that a guide under 21 could not be held liable for any contracts he might enter into. Since many tourists are from other countries and most are here for only a short time, the Mayor's side was concerned that any legal difficulties might be detrimental to the city's reputation as a tourist attraction.

My committee has held discussions with the Mayor's side concerning this problem. We have reached a solution.

As drafted the regulation provides that a person must be deemed trustworthy. It is understood that for a person under 18, the term trustworthy will require someone 21 or older, being responsible for the youth's contracts. This is the Committee's legislative intent. The regulation should stand as read the first time.

I wanted to put this discussion in the record as an assurance of our intent and the Mayor's understanding. A memo acknowledging this is being sent from the Deputy Mayor's office.

aal

Regulation No. 69-29

August 8, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to Prohibit a Durational Residence Requirement as a Condition for Receiving Public Assistance

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the decision of the United States Supreme Court in the case of Shapiro vs. Thompson, April 21, 1969, judged that denial of public assistance to poor persons solely on the basis of a durational residence requirement is invalid; and

WHEREAS, the Department of Health, Education, and Welfare published in the Federal Register June 3, 1969, Social and Rehabilitation Service Program Regulation 10-6, which prohibits State plans for Old Age Assistance, Aid to Families with Dependent Children, Aid to the Blind, Aid to the Permanently and Totally Disabled or Aid to the Aged, Blind and Disabled from imposing, as a condition of eligibility for such aid or assistance, any residence requirement which excludes any individual who resides in the State; and

WHEREAS, the U. S. District Court for the District of Columbia on November 28, 1967 enjoined the District Government from requiring a durational residence requirement in the General Public Assistance category and in AFDC, AB and APTD.

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading July 30, 1969

Presented to the Mayor-Commissioner July 31, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

August 8, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swann
Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare, in determining eligibility for a person to receive Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, Aid to Families with Dependent Children or General Public Assistance, which includes Temporary Assistance for Families of Unemployed Parents, Emergency Family Shelter Service, and Emergency Assistance Service, shall not, as a condition of eligibility, impose any residence requirement which excludes any individual who resides in the District of Columbia.

Section 2. (a) A resident of the District of Columbia is one who is living in the District of Columbia voluntarily and not for a temporary purpose, that is, with no intention of presently removing therefrom. A child is "residing in the District" if he is making his home in the District.

Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence.

(b) Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District except insofar as it may bear on whether he is there for a "temporary purpose".

Section 3. Recipients of assistance from the District of Columbia who move to another jurisdiction with intent to remain in that State shall be asked to make application for assistance in that State immediately. Such recipients may continue to receive assistance from the District for a period of time not to exceed two months, to provide time for the State to process the application.

Section 4. This regulation rescinds the following actions of the former Board of Public Welfare:

(a) Public Assistance Plan for the District of Columbia, Part III, B, 1, a, (3), approved September 30, 1940;

(b) Administrative Order 2.47/10a approved April 29, 1949;

(c) Administrative Order 2.47/17, approved June 17, 1952.

Section 5. This regulation shall become effective on passage.

Regulation No. 69-30

August 8, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to Authorize the Department of Public Welfare to Use the Principle of Family Budgeting in Determining the Amount of Total Assistance to Families Receiving More Than One Assistance Payment

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Department of Public Welfare, as the agency designated to administer public assistance programs under the provision of Titles I, IV, X and XIV of the Social Security Act, is responsible for developing State plans for the efficient administration of such programs; and

WHEREAS, efficient administration encompasses developing methods of operation that will assure equal treatment to families in similar circumstances and also assure maximum Federal financial participation; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. When more than one person in a family is eligible in his own right for assistance from a Social Security program, the Department of Public Welfare shall authorize a separate payment to meet his requirements.

(a) The amount of the payment shall be based on the Standard for Requirements for the size family of which he is a member.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading July 30, 1969

Presented to the Mayor-Commissioner July 31, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

August 8, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swann
Secretary of the City Council

P-251

Certified copies are available.

(b) The total amount of assistance the family will receive shall not exceed the amount it would have received if only one payment had been authorized.

Section 2. When a family is receiving more than one assistance payment and members of a family have income, the Department of Public Welfare shall apply income that must be considered in determining need as follows:

(a) When a husband and wife are each receiving assistance, income shall be divided equally between them.

(b) When the parent of minor children has income and is receiving assistance in his own right, his income shall be prorated between his payment and the payment for his dependents.

(c) When an adult child has income, is receiving assistance and is living with his family which is receiving assistance, his income shall be applied only to his own requirements.

(d) When a minor child, living with a relative and other children, has income paid in his behalf, he shall continue to receive Aid to Families with Dependent Children as a needy dependent child unless his income is such that he would not have been eligible had the relative applied for assistance for him alone.

Section 3. A family is defined as a husband or wife or a couple living as husband and wife; parents or other relative and children, including adult children eligible for assistance; other persons related by blood or marriage who are sharing a home together.

Section 4. This regulation shall become effective on passage.

Regulation No. 69-31

August 8, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to Amend the Commissioners' Standard for Requirements to Include Payment of the Social Security Tax When Housekeeper Service is Required

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Commissioners' Standard for Requirements, Commissioners' Order No. 58-1084, dated July 8, 1958, as amended, provides for paying for the services of a housekeeper when such service is required for an aged or disabled person to remain in the community, or to maintain a home for dependent children; and

WHEREAS, under the provisions of 26 U.S.C. 3101, 3102, and 3111, a tax to pay for Social Security disability and retirement benefits is imposed on the wages of employees, to be matched by the employer and paid to Internal Revenue Service quarterly; and

WHEREAS, the public assistance recipient is in fact the employer of the housekeeper when such service is required, but because of age or disability, placing responsibility on him to send the required amount to Internal Revenue Service would cause undue hardship; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading July 30, 1969

Presented to the Mayor-Commissioner July 31, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

August 8, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare, when providing housekeeping services to public assistance recipients, shall:

a. authorize the sum required to provide housekeeping service less the amount of the tax for Social Security benefits;

b. maintain individual records on persons providing such service; and

c. each quarter send to the Internal Revenue Service the amount of the tax withheld plus an equal amount to cover the tax imposed on the employer.

Section 2. This regulation shall become effective on passage.

Regulation No. 69-32

August 8, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Amendment of Section 33(b), Part III of the Title and Registration Regulations, of the Traffic and Motor Vehicle Regulations for the District of Columbia.

Mr. Philip J. Daugherty Presents the following regulation:

WHEREAS, Section 33(b) of Part III of the Traffic and Motor Vehicle Regulations states that the holder of a valid motor vehicle dealer's license must have an established place of business located on a street or avenue within the District, before such holder may be registered; and

WHEREAS, there are certain businesses presently operating which are not located on a street or avenue that otherwise would qualify for registration to engage in buying, selling, and exchanging used vehicles; and

WHEREAS, it is inequitable to refuse to register these businesses which are presently engaged in buying, selling, and exchanging used vehicles.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 33(b) of Part III of the Traffic and Motor Vehicle Regulations for the District of Columbia is hereby amended to read as follows:

"(b) A person, the holder of a valid motor vehicle dealer's license, having an established place of business located on a street or avenue within the District, with

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading July 30, 1969

Presented to the Mayor-Commissioner July 31, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

August 8, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

facilities for the display of used vehicles, engaged in buying, selling, and exchanging used vehicles, may apply to the Director to be registered as a used car dealer, provided, however, that when trailers, fire fighting equipment, construction equipment, ambulances, or funeral vehicles, including motor vehicles adapted therefor, are the only vehicles offered for sale or resale, such person need not hold a valid motor vehicle dealer's license; provided further, that the requirement that any such dealer have an established place of business located on a street or avenue shall not be applicable to any dealer who, on November 1, 1968, was conducting his or its business in a place of business for which a valid certificate of occupancy to conduct such business had been issued."

Section 2. This amendment shall become effective immediately upon enactment.

Regulation No. 69-33

August 8, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Seat Belts in Motor Vehicles

Mr. Philip J. Daugherty Presents the following regulation:

WHEREAS, Federal Standards require that all motor vehicles except motorcycles, motor-driven cycles and buses, be equipped with both front and rear seat belts beginning with model year 1968; and

WHEREAS, present regulations require that seat belts meet or exceed standards and specifications of the Society of Automotive Engineers, while Federal Standards require that such seat belts meet or exceed standards and specifications of both the U. S. Department of Commerce and the Society of Automotive Engineers;

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Subsections (a) and (b) of Section 151.2, Part I, of the Traffic and Motor Vehicle Regulations for the District of Columbia are amended to read as follows:

"(a) No motor vehicle manufactured for the model year 1966 or subsequent years, and registered as a private passenger vehicle, except motorcycles or motor driven cycles, shall be approved on inspection under the provisions of Section 17 of Part III of these Regulations, unless its front seating arrangement (bench or bucket type) be equipped with at least two safety belts or safety harnesses of a type approved by the Director.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD	X					THOMPSON				X	
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading July 30, 1969

Presented to the Mayor-Commissioner July 31, 1969
Date

Robert A. Rogers
Acting Secretary of the City Council

Approved Walter N. Tobriner
Mayor-Commissioner

August 8, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

No motor vehicle manufactured after January 1, 1968 or for subsequent years and registered as a private passenger vehicle, taxicab, or for livery or sightseeing purposes, except motorcycles, motor driven cycles, or buses, shall be approved on inspection under the provisions of Section 17 of Part III of these Regulations, unless safety belts or safety harnesses of a type approved by the Director are installed in each seat position with the exception of jump seat or seats. As used in this subsection, the term "jump seat" means a seat intended for the accommodation of one person, and designed to be folded forward into a recess in the vehicle.

(b) All seat belts or safety harnesses, including the installation and anchorages thereof shall meet or exceed standards and specifications published by the U. S. Department of Commerce and the Society of Automotive Engineers applicable to such equipment, installation and anchorages current at the time such devices are installed. The Director shall maintain a list of such approved devices."

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 69-34

August 22, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE REPEAL OF SECTION 4 OF REGULATION 69-25 CONCERNING RENTAL OF SURFACE SPACE OWNED BY THE DISTRICT OF COLUMBIA GOVERNMENT.

Margaret A. Haywood Presents the following regulation:

WHEREAS, Section 4, Regulation No. 69-25, enacted by the District of Columbia Council on July 3, 1969, amended various sections of the Traffic and Motor Vehicle Regulations of the District of Columbia to permit the parking of motor vehicles on surface public space areas throughout the city, and

WHEREAS, the District of Columbia Council has not yet enacted appropriate regulations required to carry out the intent of the above amendments but will do so in the near future,

WHEREAS, Section 23 (f) of the Council rules provides that the Council may adopt regulations on single reading when it is required by the welfare of the Government of the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. That Section 4 of Regulation No. 69-25, enacted on July 3, 1969, is hereby repealed.

Section 2. That this regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X										
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on _____.

Adopted on ~~second and~~ final reading August 22, 1969

Presented to the Mayor-Commissioner August 25, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) September 2, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 69-35

September 25, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to Permit Overhanging Construction Appurtenant to Windows Required for Natural Light and Ventilation

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code to permit overhanging construction appurtenant to windows required for natural light and ventilation; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 3-511 of the 1961 D. C. Building Code is hereby amended as follows:

In Section 3-511, page 91, of the D. C. Building Code, third line, delete from the semicolon immediately following the word "Regulations" the balance of the section and substitute the following:

"provided that a habitable room or rooms may have the required windows or other openings onto a sunporch conforming to the requirements of Sec. 3-515 or onto a covered exterior area conforming with the following requirements:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X										
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading September 16, 1969

Presented to the Mayor-Commissioner September 16, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner — September 25, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ Mayor-Commissioner — ____ Date

Readopted ____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

(1) The covered exterior area shall face directly on a street, public alley, or on a yard court conforming with the requirements of the Zoning Regulations, and shall be entirely free of any obstruction to light and ventilation.

(2) The area of the vertical face of each story of the covered exterior area facing directly on the street, public alley, yard or court as required in (1) above shall be not less than 1/4 the horizontal area of the covered exterior area plus twice the area of all required windows or other openings between the covered open area and the habitable rooms lighted, or lighted and ventilated through it. The width of any covered exterior area shall be not less than six feet for an L-2 use, nor less than 10 feet for an L-1 use. The depth shall not exceed twice the width.

(3) The windows or glazed areas in habitable rooms so lighted and ventilated shall conform with the requirements of Sections 3-517, and 3-522, and shall face directly on the covered area.

(4) No window from any bathroom or water closet compartment may open upon a covered exterior area.

(5) No sunporch nor alcove may be lighted and/or ventilated through an exterior covered area."

Section 2. The amendment made by this regulation shall become effective on passage.

Regulation No. 69-36

September 25, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to Update Specification References for Reinforcing Steel and Structural Steel Used in the Construction of Structures in the District of Columbia

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the Building Code of the District of Columbia to update specification references for reinforcing steel and structural steel used in the construction of structures in the District of Columbia; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that:

Section 1. Section 3-8127 of the 1961 D. C. Building Code is hereby amended as follows:

Add to Section 3-8127 on page 237 of the D. C. Building Code, a new subsection "(e)" to read as follows:

"(e) In addition to those specifications for reinforcing bars acceptable under Section 405(a) of ACI 318-63, the following will be acceptable:

(1) Standard Specification for Deformed Billet Steel Bars for Concrete Reinforcement, ASTM A615-68.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X										
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading September 16, 1969

Presented to the Mayor-Commissioner September 16, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) September 25, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

(2) Standard Specification for Deformed Billet Steel Bars for Concrete Reinforcement, ASTM A615-68.

(3) Standard Specification for Axle-Steel Deformed Bars for Concrete Reinforcement, ASTM A617-68."

Section 2. Section 3-8202 on page 259 of the D. C. Building Code is hereby amended as follows:

Fifth line after "adopted April 17, 1963.", change the period (.) to a comma (,) and insert "amended through June 14, 1968."

Section 3. The amendment made by this regulation shall become effective on passage.

Mayor Walter E. Washington

Corporation Counsel
Special Assignments
Division

Hubert B. Pair
Acting Corporation Counsel, D. C.

Regulation No. 69-36

Referred to this office for review was the above-referenced regulation, passed by the District of Columbia Council on September 16, 1969, and on the same date submitted to you for approval and signing.

The regulation amends the Building Code with respect to specification references for reinforcing steel and structural steel. It was recommended by the Building Code Advisory Committee and the Director of the Department of Economic Development.

There is no legal objection to approving the above-referenced regulation.

GG:bb:ls
9/23/69

Regulation No. 69-37

September 25, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to establish policy concerning action by the Department of Public Welfare when a client refuses admission to or inspection of his home.

Polly Shackleton Presents the following regulation:

WHEREAS, on June 17, 1968, Judge Howard F. Corcoran of the U. S. District Court for the District of Columbia, in the case of Stewart, et al., v. Washington, et al., Civil Action 432-68, ruled that the Board of Commissioners had not duly promulgated regulations establishing the policy of the Department of Public Welfare that an applicant or recipeint is ineligible for assistance who refuses to admit a representative of the Department to his home, or on admittance, refuses to permit him to inspect the dwelling;

WHEREAS, according to Federal requirements for State agencies administering public assistance programs, applicants and recipients will be relied upon as the primary source of information upon which the agency's decision is made about their eligibility, such persons should be permitted latitude in deciding the time and place for submitting such information; and

WHEREAS, pursuant to paragraph 83 of 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X										
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 15, 1969

Adopted on second and final reading September 16, 1969

Presented to the Mayor-Commissioner September 16, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner September 25, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

Section 1. The Department of Public Welfare in establishing initial or continuing eligibility for public assistance, shall take no adverse action against any applicant or recipient who refuses to admit any representative of the Department into his home, or who, upon admitting Department representatives into his home, refuses to permit him to inspect the dwelling.

Section 2. All recipients and applicants shall be informed at the time of application orally and in writing and, at least annually thereafter in writing that no adverse action of any kind will be taken against them for refusing to permit a department representative to enter his home or to inspect the premises.

Section 3. This regulation shall be effective on enactment.

Corporation Counsel
Special Assignments
Division

Mayor Walter E. Washington

Hubert B. Pair
Acting Corporation Counsel, D. C.

Regulation No. 69-37

Referred to this office for review was the above-referenced regulation, passed by the District of Columbia Council on September 16, 1969, and on that date submitted to you for approval and signing.

The regulation establishes a policy for the Department of Public Welfare with respect to refusal by welfare applicants and recipients to permit representatives of the Department to enter their homes or to inspect the premises. The regulation prohibits the Department from taking any adverse action for such refusal and requires the Department to inform applicants and recipients that no adverse action will be taken against them for such refusal. The regulation was initiated by the Department and has its support.

There is no legal objection to approving the above-referenced regulation.

GG:ls
9/23/69

Regulation No. 69-38

Enactment Date

Regulation

of the

District of Columbia

TITLE BUILDING CODE REGULATION (AUTOMATIC FIRE DOORS)

Reverend Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, there is a need to change fire door standards to improve public protection;

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council.

Section 1. Section 3-945 of the 1961 Building Code of the District of Columbia is hereby amended by deleting the existing subsections (a) and (c) substituting in lieu thereof the following new subsections:

"(a) An automatic fire door is a fire door or other opening protective so constructed and arranged that if opened, it shall close when it is subjected to:

(1) a temperature of 135°F, or

(2) a predetermined rate of temperature rise, or

(3) smoke or other products of combustion.

"(c) No hardware, wedges, fusible links, or ties shall be permitted to hold doors open when they are required to be self-closing, and only such approved devices as are described under sub-heading (a) above shall be permitted in the case of automatic fire doors.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL.				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

____ (Secretary of the City Council)

P-251

Certified copies are available.

Section 2. Section 3-949 of the 1961 Building Code of the District of Columbia is hereby amended by deleting the existing Section 3-949 in its entirety and substituting in lieu thereof the following new Section 3-949:

"Section 3-949. Closing Devices. (a) Approved door closers shall be provided on each leaf of swinging doors required to be self-closing. A coordinating device to insure closing of the inactive leaf ahead of the active leaf shall be provided when necessary for proper operation of the doors and where pairs of doors are required to be self-closing. Where doors may be equipped for push and pull function, single or double acting checking floor hinges may be used.

"(b) All fire exit doors which open onto enclosed exit stairs or exit passageways, or which are installed to provide fire or smoke barriers across corridors, shall be self-closing and be so maintained, or shall be automatic doors which will close upon activation by an approved fail-safe device which will operate when subjected to one of the following two combinations:

(1) a temperature of 135°F, or other products of combustion.

(2) a predetermined rate of temperature rise or smoke or other products of combustion.

Where a fire alarm system is provided or required, the detection device described above shall be connected to this system in an approved manner that will cause an alarm to be signaled when the device is activated or, conversely, the device to be activated when the alarm is signaled. The interpretation of this subsection shall be that each leaf of each door in an opening shall be provided with both a thermal and a smoke detecting device."

Section 3. This regulation shall take effect immediately upon enactment.

.-44
ay 1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Regulation No. 69-38, relating to automatic fire doors.

Regulation No. 69-38, enacted by the District of Columbia Council on October 21, 1969, has been referred to this office for review. The regulation enacted by the Council pursuant to the authority contained in the Act of June 14, 1878 (D. C. Code, sec. 1-228) and section 402(5) of Reorganization Plan No. 3 of 1967, amends sections 3-945 and 3-949 of the Building Code to permit additional categories of automatic fire doors.

Although the Council has not incorporated in the Regulation all of the technical amendments recommended by this Office in my memorandum to the Secretary to the Council dated September 30, 1969, I offer no objection to approval of Regulation No. 69-38.

Attachment

W-8

District of Columbia City Council
Memorandum

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To Members of the City Council

From Reverend Jerry Moore

Date October 7, 1969

Subject Automatic Fire Doors.

At the request of the Corporation Counsel some editorial changes have been made in the regulation on automatic devices to close doors in case of fires. I concur in these requests. No other changes have been made in the regulation and the favorable report from the previous meeting still stands. On this basis, I move for adoption of this regulation.

4-A

D.C.-44
May 1967

Memorandum ◎ Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gcl

TO: Stephen C. Swaim
Secretary to the District
of Columbia Council

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D. C.

Date: September 30, 1969

SUBJECT: Proposed amendment to sections 3-945 and 3-949 of the Building Code of the District of Columbia, relating to fire doors.

By memorandum dated September 19, 1969, you referred to me for comment a proposed regulation amending sections 3-945 and 3-949 of the Building Code of the District of Columbia, relating to standards for automatic fire doors. I have reviewed this regulation and find it to be legally unobjectionable.

However, I note that the quotation marks are omitted at the end of the quoted amendment in section 1, and that in the revised section 3-949 proposed by section 2 the subsection designation "(a)" should follow the heading "Closing Devices" rather than precede it.

Attachment

Regulation No. 69-39

Enactment Date

Regulation

of the

District of Columbia

TITLE REVISION OF FIRE PREVENTION CODE, D. C. (1969)

Rev. Jerry A. Moore Presents the following regulation:

WHEREAS, it is necessary to update and amend the District of Columbia Fire Code to raise its national standards.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Fire Prevention Code of the District of Columbia of September 29, 1964 is hereby amended by incorporating all changes noted in Appendix A of this Regulation.

Section 2. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD				X							
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on September 16, 1969

Adopted on second and final reading October 7, 1969

Presented to the Mayor-Commissioner October 8, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) OCT 20 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: (Date)

Disapproved and returned to the City Council (Mayor-Commissioner) (Date)

Readopted (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 69-40

Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to establish policy in all public assistance programs when an applicant for or recipient of public assistance obtains a loan or grant for purposes other than current living costs.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Department of Health, Education, and Welfare, Social Rehabilitation Service Program Regulation 20-7, Section 233.20, in its State plan requirements specifies that States, in determining the availability of income and resources shall not include loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living expenses; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan #3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare, in determining the amount of the assistance payment to which an applicant or recipient of public welfare is entitled shall not consider as income or as a resource, loans and grants obtained and used under conditions that preclude their use for current living costs.

Section 2. This regulation shall be effective on passage.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD				X							
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on September 16, 1969

Adopted on second and final reading October 7, 1969

Presented to the Mayor-Commissioner October 8, 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter Washington OCT 17 1969
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 69-41

Enactment Date

Regulation

of the

District of Columbia

TITLE Amendment to the 1961 Building Code of the District of Columbia to Permit the Use of Certain Structures to have Portions Thereof Converted to Day Nursery Uses.

Mr. Philip Daugherty Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code in order that certain types of buildings can be converted to day care nursery use; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. In Section 3-426 on page 88 of the D. C. Building Code, Change the first sentence to read as follows:

"All Group H occupancy buildings of other than Type 1 or 2A construction shall be fully sprinklered, except the following:

(1) Those used for day nurseries with less than 15 children on the first floor or first and second floors all of which children shall be fully ambulatory; (2) Those buildings wherein the day nurseries occupancy is fully contained in compartments of Type 1 construction and where all exits therefrom discharge directly to grade or into a fire resistive corridor or stairway leading to grade; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER				X		HAYWOOD				X							
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on September 16, 1969

Adopted on second and final reading October 7, 1969

Presented to the Mayor-Commissioner October 8, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner OCT 17 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: (Date)

Disapproved and returned to the City Council (Mayor-Commissioner) (Date)

Readopted (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

(3) Those other Group H occupancies where theuse is restricted to the first floor only. Compartments, as used in (2) above, shall include all rooms, halls passageways and thelike, and such rooms, halls, passageways and the like, shall be enclosed by walls, and floors, above and below, or Type 1 construction."

Section 2. This regulation shall become effective upon enactment.

Regulation No. 69-43

Enactment Date

Regulation

of the

District of Columbia

TITLE REPEAL OF ABC RESIDENCY REQUIREMENT

Mr. Daugherty ---------- Presents the following regulation:

WHEREAS, Section 2-132 of the District of Columbia Regulations requiring a one year residency or work experience in the District of Columbia got eligibility for an ABC license is found to be unnecessary, and

WHEREAS, paragraph 215 of Section 402 of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the function of prescribing, making, altering, and amending rules and regulations under D. C. Code Sec. 25-107;

NOW, THEREFORE, BE IT ENACTED BY the District of Columbia Council that:

Section 1. Section 2-132 of the District of Columbia Regulations is hereby repealed.

Section 2. This regulation shall take effect five days after publication in any newspaper of general circulation in the District of Columbia pursuant to the requirements of D. C. Code Section 25-107.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN		X				DAUGHERTY	X					SHACKLETON	X				
TUCKER		X				HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swann (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) October 31, 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ---------- (Date)

Disapproved and returned to the City Council ---------- (Mayor-Commissioner) ---------- (Date)

Readopted ---------- (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

---------- (Secretary of the City Council)

P-251

Certified copies are available.

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:WAR:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Repeal of ABC residency requirement.

Regulation No. 69-43, adopted by the District of Columbia Council on October 21, 1969, repeals section 2-132 of the District of Columbia Regulations. Section 2-132 of the Alcoholic Beverage Control Regulations requires that an applicant for an alcoholic beverage license shall have been a resident of or gainfully employed in the District of Columbia for at least one year immediately preceding the filing of the application for a license.

The requirement of a one year's period of residence or work experience in the District upon applicants for ABC licenses does not result from any provision of the governing statute, but was established as a matter of policy by the Board of Commissioners. Accordingly, there is no legal objection to its repeal by approval of Regulation No. 69-43.

Attachment

D.C.-44
May 1967

Memorandum ○ Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:WAR:gkm

TO: Stephen C. Swaim
Secretary of the District of Columbia Council

FROM: Hubert B. Pair
Acting Corporation Counsel, D.C.

Date: September 30, 1969

SUBJECT: Repeal of ABC residency requirement.

The attached regulation repeals section 2-132 of the Alcoholic Beverage Control Regulations which requires that an applicant for a license shall have been a resident of or gainfully employed in the District of Columbia for at least one year immediately preceding the filing of the application for a license. This provision does not result from any requirement of the governing statute and, accordingly, there is no legal objection to its repeal.

I wish to point out, however, that the citations appearing in the "whereas" clause and in section 1 of the regulation are incorrect. There is no Title 2 of the Alcoholic Beverage Control Regulations. Rather, these regulations are set forth in title 2 of the District of Columbia Regulations. I suggest, therefore, that the words "Title 2, Section 132" in the preamble, and the words "Section 132 of Title 2" in section 1 of the regulation, be revised in both instances to read "Section 2-132".

I suggest further the addition of a second "whereas" clause in the preamble of the regulation to delineate the authority of the Council to issue said regulation. I recommend the following language:

"WHEREAS, pursuant to paragraph 215 of section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to prescribe, make, alter, and amend rules and regulations under D. C. Code, sec. 25-107."

W-8

Finally, I recommend that the proposed section 2 of the regulation be revised. ABC regulations do not take effect immediately upon enactment but, pursuant to section 7 of the District of Columbia Alcoholic Beverage Control Act (D. C. Code, sec. 25-107), five days after being published in any daily newspaper of general circulation in the District of Columbia. Accordingly, I suggest that section 2 of the regulation be rewritten as follows:

"Section 2. This regulation shall become effective five days after adoption and publication as required by law."

Insert (a)

Attachment

D.C.-44
May 1967

Memorandum ○ **Government of the District of Columbia**

Department, Agency, Office: Alcoholic Beverage Control Board

TO: Councilman Philip Daugherty

FROM: Joy R. Simonson
Chairman JRS

Date: October 1, 1969

SUBJECT: Amendment of ABC Regulation - Section 2-132

At the request of Carl Bergman of your staff we have made a sample-survey of the residence of licensees by class of license with the following results:

Class	District Residence	Non-residence
A	44	61
B	25	32
C	109	173
D	9	9
Total	187	275

In contrast to licensees, managers surveyed included 97 residents and 55 non-residents, due, no doubt, to the artificial restrictions imposed by Regulation 2-132.

JRS:lc

W-8

District of Columbia City Council
Memorandum

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To MEMBERS OF THE CITY COUNCIL

From Philip J. Daugherty, Chairman
Government Operations Committee

Date August 19, 1969

Subject Repeal of ABC residency requirement

The Alcoholic Beverage Control Regulations require that a person live or work in the District for one year before he may receive an ABC license.

The original purpose of this regulation was to facilitate a check of the person's background. This is now done through the FBI's national reporting system and the regulation is no longer necessary.

The ABC Board through the Mayor has requested this repeal and my committee supports it.

Regulation No. 69-44

Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to permit the design and construction of open plan area type schools in the District of Columbia

Mr. Daugherty Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code to permit the design of the more flexible type, open plan area schools; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. In Section 3-202 on page 29 of the D. C. Building Code immediately after definition of "occupied" insert a new definition to read as follows:

"Open plan area - An area in an F-4A building without fixed partitions for teaching and related educational activities."

Section 2. In table 6 of Chapter 2 on page 40 of the D. C. Building Code add a new "Note k" to apply to F-4A buildings to read as follows:

"Note k, Open plan areas in F-4A buildings are limited to 30,000 square feet in type 1 construction and to the tabular areas above for other types of construction except as modified by 3-316(d). Those areas may be increased

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter E. Washington 10-31-69
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____ _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____
Secretary of the City Council

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Certified copies are available.

by 100% if an approved automatic sprinkler system is installed. However the maximum total area based on an approved automatic sprinkler system and accessibility on all sides shall not exceed 300% of the basic areas in Table 6."

Section 3. In Section 3-6151 (a) on page 133 of the D. C. Building Code in the 6th line correct the spelling of "area and immediately after "area", insert "seating arrangements, aisles, ramps, steps,"

Section 4. In Section 3-6173 on page 138 of the D. C. Building Code add a new subsection " (e)" to read as follows:

"(e) Where the open plan area provisions are applied the requirements for posting as set forth in Section 3-6151 shall be applicable."

Section 5. In the first line of Section 3-6174 (b) on page 138 of the D. C. Building Code after "room" insert "or from the most remote part of an open plan area," (balance no change).

Section 6. In the 3rd line of Section 3-6157(a) on page 138 of the D. C. Building Code, change the figure "14" to "30", and the figure "24" to "50",

Section 7. At end of Section 3-6175 (b) on page 138 of the D. C. Building Code add a new sentence as follows:

"Open plan areas shall have exits independent from those portions of the building used for assembly."

Section 8. In the first line of Section 3-6179 on page 138 of the D. C. Building Code after "room" add "except open plan areas, "

Section 9. The amendments made by this regulation shall become effective on enactment.

967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Regulation No. 69-44, to permit the construction of open plan area type schools.

Regulation No. 69-44, enacted by the District of Columbia Council on October 21, 1969, has been referred to this office for review. The regulation enacted by the Council pursuant to the authority contained in the Act of June 14, 1878 (D. C. Code, sec. 1-228) and section 402(5) of Reorganization Plan No. 3 of 1967, amends various sections of the District of Columbia Building Code to permit the construction of open plan area type schools.

The Council has incorporated in the Regulation technical amendments recommended by this Office in my memorandum to the Secretary to the Council dated September 30, 1969. I accordingly recommend approval of Regulation No. 69-44.

Attachment

District of Columbia City Council
Memorandum

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To Members of the City Council

From Councilman Philip Daugherty

Date October 7, 1969

Subject Open Plan Areas

At the request of the Corporation Counsel some editorial changes have been made in the regulation on open plan areas in public schools. I concur in these requests. No other changes have been made in the regulation and the favorable report from the previous meeting still stands. On this basis, I move for adoption of this regulation.

4-B-4

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To Councilmembers

From Philip J. Daugherty, Chairman, Government Operations Committee

Date September 12, 1969

Subject Building Code Amendments on Open Plan Areas

This series of amendments to the Building Code will permit the design of open plan areas in schools. Open plan areas are a new concept in education. Essentially, they are large open spaces that can be subdivided to give teachers more flexibility. This will provide suitable spaces for team teaching and other group educational practices. Educators say teaching in this manner is more responsive to the needs of the individual student. Instead of having only one or very few activities to choose from, he will have several. In this way, he can be placed in a group that corresponds to his skill level or interest. Educators say it is virtually impossible to operate such programs in a conventional classroom. The open plan concept was designed to meet the needs of these new educational programs. Granville Woodson, Director of the Board of Education's Department of Buildings and Grounds says that all new D. C. schools are being planned with such areas and many old buildings will be modernized to include them. Until the building code is changed, however, this will be impossible.

The amendments were proposed by the Board of Education, approved by the Building Code Advisory Committee and recommended for Council approval by Julian R. Dugas, the Director of Economic Development, and Deputy Mayor Thomas W. Fletcher.

The Government Operations Committee held a public hearing on July 26 on this series of amendments. Six witnesses spoke and all favored the amendments. A representative of the Fire Department said there were no safety objections since adequate posting of exits and seating arrangements is required. Representatives from the Department of Licenses and Inspections, the Building Code Advisory Committee, the Architectural Division of the Department of General Services, the Board of Education's Department of Buildings and Grounds and the D. C. Chamber of Commerce all spoke in favor of the amendments.

I recommend that the Council approve these amendments.

May 1967

Memorandum — Government of the District of Columbia

TO: Stephen C. Swaim
Secretary to the District of Columbia Council

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

FROM: Hubert B. Pair H.B.P.
Acting Corporation Counsel, D.C.

Date: September 30, 1969

SUBJECT: Proposed amendment to sections 3-202, 3-6151, 3-6173, 3-6174, 3-6175, and 3-6179 of the Building Code of the District of Columbia, relating to open plan areas for schools.

By memorandum dated September 19, 1969, you referred to me for comment a proposed regulation amending various sections of the Building Code of the District of Columbia, such amendments relating to permitting the design of open plan areas in schools.

I have reviewed this proposed regulation and find it to be legally unobjectionable, except that in the proposed definition in section 1, "open plan areas" should be "Open plan area".

Attachment

W-8

Regulation No. 69-45

Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to Permit Engineered Design of Masonry Structures as an Alternate to the Existing Specification Requirements of the Building Code.

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code to permit engineered design of masonry structures as an alternate to the existing specification requirements of the Building Code; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 3-847 of the 1961 Building Code of the District of Columbia is hereby amended as follows:

In Section 3-847, page 204, of the D. C. Building Code, immediately after "3-847 scope." insert "(a)" and add the following new subsections (b), (c) (d).

"(b) In lieu of the requirements set forth hereinafter, the engineer may design the masonry elements in accordance with "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966" as published by the Structural Clay Products Institute or with "Specification for the Design and Construction

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter Washington 10-31-69
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

of Load Bearing Concrete Masonry, 1968" as published by the National Concrete Masonry Association.

"Structures incorporating this type of design shall be certified as set forth in Section 3-139 (a) and (b) of this Code and shall in addition be inspected during construction by the certifying engineer or his qualified representative to insure compliance with this Code.

"Section 1. 1. 1 of the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and Section 1. 1 of the "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," are hereby modified to be consistent with the above requirement of certification and inspection.

"(c) Section 1. 1. 2 of the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and Section 1. 1. 2 of the "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," are deleted. Where in conflict with the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," the provisions of this Code shall govern.

"(d) Standard specifications referred to in Chapter 2 "Materials of the specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," shall be those in effect on _____." (Insert date of adoption by D. C. Council.)

Section 2. Section 3-8137 of the 1961 Building Code of the District of Columbia is hereby amended as follows:

Immediately after subsection "(b)", add the following new subsections (c), (d) and (e):

"(c) In lieu of the requirements set forth hereinafter, the engineer may design the reinforced masonry elements in accordance with "Recommended Building Code Requirements for Engineered Brick Masonry, May, 1966" as published by the Structural Clay Products Institute or with "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," as published by the National Concrete Masonry Association.

"Structures incorporating this type of design shall be certified as set forth in Section 3-139 (a) and (b) of this Code and shall in addition be inspected during construction by the certifying engineer or his qualified representative to insure compliance with this Code.

"Section 1. 1. 1 of the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and Section 1. 1 of the "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," are hereby modified to be consistent with the above requirements of certification and inspection.

"(d) Section 1. 1. 2 of the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and Section 1. 1. 2 of the "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," are deleted. Where in conflict with the "Recommended Building Code Requirements for Engineered Brick Masonry, May 1966," and "Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968", the provisions of this Code shall govern.

"(e) Standard specification referred to in Chapter 2, "Materials of the Specification for the Design and Construction of Load Bearing Concrete Masonry, 1968," shall be those in effect on _____." (Insert date of adoption by D. C. Council.)

Section 2. This regulation shall take effect immediately upon enactment.

.4
1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Regulation No. 69-45, permitting engineered design of masonry structures.

Regulation No. 69-45, enacted by the District of Columbia Council on October 21, 1969, has been referred to this office for review. The regulation enacted by the Council pursuant to the authority contained in the Act of June 14, 1878 (D. C. Code, sec. 1-228) and section 402(5) of Reorganization Plan No. 3 of 1967, permits engineered design of masonry structures.

Although the Council has not incorporated in the Regulation all of the technical amendments recommended by this Office in my memorandum to the Secretary to the Council dated September 30, 1969, I offer no objection to approval of Regulation No. 69-45.

Attachment

W-8

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date August 13, 1969

Subject Building Code Amendment on Engineered Masonry

This amendment has been approved by the Building Code Advisory Committee and recommended for Council approval by Julian R. Dugas, Director of the Department of Economic Development, and Deputy Mayor Thomas W. Fletcher. The amendment which was requested by the Structural Clay Products Institute and the National Concrete Masonry Association, would substitute new specifications for the present outdated code requirements for engineered masonry. I recommend that the Council adopt the amendment.

4-B-B

C.-44
May 1967

Memorandum ◎ **Government of the District of Columbia**

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gcl

TO: Stephen C. Swaim
Secretary to the District
of Columbia Council

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

Date: September 30, 1969

SUBJECT: Proposed amendments to sections 3-847 and 3-8137 of the Building Code of the District of Columbia relating to engineering design of masonry structures.

By memorandum dated September 19, 1969, you referred to me for comment a proposed regulation providing for amendments to sections 3-847 and 3-8137 of the Building Code of the District of Columbia for the purpose of permitting engineered design of masonry structures as an alternate to the existing specification requirements.

I have reviewed this regulation and find it to be legally unobjectionable.

I note, however, a number of improper and confusing uses of quotation marks throughout the proposed amendments in section 1 of the regulation, both with respect to quotation marks at the beginning and end of paragraphs, and with respect to the use of double quotes within quotations in citing the various publications.

The second and third paragraphs of the proposed subsection (b) of section 3-847 should begin with quotation marks while there should not be quotation marks at the end of such third paragraph. Similarly, there should not be a quotation mark at the end of the proposed subsection (c) nor before "Materials" in the proposed subsection (d). In such subsection "specification" should be "Specification".

In the proposed subsection (c) to section 3-8137, the second and third paragraphs should begin with quotation marks but there should not be a quotation mark at the end of such third paragraph, or at the end of the proposed subsection (d). In the proposed subsection (e) a quotation mark should precede "Specification" rather than "Materials".

All of the quoted titles of publications within the quoted proposed subsections should be in single quotes.

Also, the subsection designation "(a)" should be inserted after the caption of the section, rather than before it, as is specified by the amendatory regulation in its present form.

Attachment

Regulation No. 69-46

Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to Clarify the Code Requirements for Separations Between Garages and L-2 Residential Uses.

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code to clarify code requirements on the separations between garages and L-2 residential uses; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. Section 3-322(h) of the 1961 D. C. Building Code is hereby amended as follows:

In Section 3-322(h), page 47, of the D. C. Building Code, delete the sentence, "In L-2 buildings only, doors and frames in dividing wall may be metal covered on garage side only and the ceiling shall have not less than one-hour rating." and substitute in lieu thereof the following:

"In L-2 buildings only, horizontal and vertical separations between garage and remainder of building shall have not less than a one-hour fire resistance rating; doors and door frames in the dividing wall between garage and remainder of the building shall be either Class C or doors and frame shall be metal covered on garage side."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

____ (Secretary of the City Council)

P-251

Certified copies are available.

Section 2. The amendment made by this regulation shall become effective on enactment.

-44
y 1967

Memorandum ● **Government of the District of Columbia**

TO: Walter E. Washington
Mayor-Commissioner

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D.C.

Date: October 29, 1969

SUBJECT: Regulation No. 69-46, relating to separations between garages and L-2 residential uses.

Regulation No. 69-46, enacted by the District of Columbia Council on October 21, 1969, has been referred to this office for review. The regulation enacted by the Council pursuant to the authority contained in the Act of June 14, 1878 (D. C. Code, sec. 1-228) and section 402(5) of Reorganization Plan No. 3 of 1967, clarifies Building Code requirements for separations between garages and residential buildings.

The Council has incorporated in the Regulation technical amendments recommended by this Office in my memorandum to the Secretary to the Council dated September 30, 1969. I accordingly recommend approval of Regulation No. 69-46.

Attachment

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date August 13, 1969

Subject Building Code Amendment on Attachment of Garages to Private Homes.

This amendment has been approved by the Building Code Advisory Committee and was recommended for Council approval by Julian R. Dugas, Director of the Department of Economic Development, and Deputy Mayor Thomas W. Fletcher. The purpose of the amendment is to clarify the intent of the existing regulation, which has been the subject of some uncertainty.

C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gkm

TO: Stephen C. Swaim
Secretary to the District of Columbia Council

FROM: Hubert B. Pair
Acting Corporation Counsel, D.C.

Date: September 30, 1969

SUBJECT: Proposed amendment to section 3-322(h) of the Building Code of the District of Columbia relating to separations between garages and L-2 residential uses.

By memorandum dated September 19, 1969, you referred to me for comment a proposed regulation amending section 3-322(h) of the Building Code of the District of Columbia relating to requirements for separations between garages and L-2 residential use buildings.

I have reviewed the proposed regulation and find it to be legally unobjectionable.

I note that in quoting the sentence to be deleted from section 3-322(h) "building" should be "buildings". Also, the reference to Class "C" in the amendment should not be in quotation marks.

Attachment

W-8

Regulation No. 69-47

Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION RELATING TO SUBWAY CONSTRUCTION BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Reverend Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the Washington Metropolitan Area Transit Authority, an instrumentality and agency of the District of Columbia, Maryland and Virginia, is empowered under the terms of the Washington Metropolitan Area Transit Authority Compact to construct, operate and maintain transit facilities in the District of Columbia; and

WHEREAS, under the terms of said Compact the Authority is required to comply with all laws, ordinances and regulations of the District of Columbia with respect to the use of all buildings; and

WHEREAS, it is considered that a duplication of effort between the Bureau of Licenses and Inspections and the Washington Metropolitan Area Transit Authority can be avoided and the construction of said facilities can be more expeditiously and economically performed if the Authority is designated to perform certain responsibilities for review of plans and specifications, inspection and approval of said facilities for compliance with regulations applicable to building in the District of Columbia; and

WHEREAS, it is also considered that said regulations should be modified in some respects to be more compatible with the generally acceptable design for a transit facility;

NOW, THEREFORE, BE IT ENACTED, by the District of Columbia Council that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

____ (Secretary of the City Council)

P-251

Certified copies are available.

Section 1. All necessary permits covering the construction of transit facilities in the District of Columbia by or on behalf of the Washington Metropolitan Area Transit Authority shall be issued upon certification that the plans for the proposed structure fully conform to the requirements of applicable District regulations.

The certification as to the Architectural requirements shall be by a person authorized to practice architecture in the District of Columbia who is designated by the General Manager of the Authority to execute such certification.

The certification as to the Engineering requirements shall be by a person authorized to practice engineering in the District of Columbia who is designated by the General Manager of the Authority to execute such certification.

Section 2. Upon the preparation of all plans for transit facilities in the District of Columbia in strict accordance with the requirements of applicable District regulations the Washington Metropolitan Area Transit Authority shall inspect such facilities to assure that the work has been installed in compliance with such plans. The inspection by the Authority shall be in lieu of any inspection by the District of Columbia except to the extent that the head of a Department of the District of Columbia deems an inspection by his department to be necessary. In case of doubtful interpretation of any such regulation, the Authority shall consult the head of the appropriate District Department and shall abide by his interpretation unless that interpretation is later set aside by subsequent administrative or legal action.

Section 3. Notwithstanding any other Provision of regulations of the District of Columbia to the contrary, the following provisions shall be applicable to the construction of transit facilities:

A. Travel between two or more levels within a Metro Station shall be provided by either enclosed or unenclosed moving or fixed stairways or any combination thereof. There shall be not less than two stairways in a structure extending from the topmost level to the lowest level.

B. Except in those Metro Stations where design restrictions preclude otherwise, the maximum distance of travel from any one point within a station to a stairway or exit shall be limited to 350 feet.

C. For the purpose of applying the requirements of Chapter 5 and 11 of the Building Code of the District of Columbia relating to ventilation, the entire confines of the subway portion of the Metro System and its appurtenant stations shall be considered as being equivalent to the outside.

D. Plumbing vent shafts will be permitted to be placed in a subway vent or fan shaft which is not less than 100 square feet in area, and in any such case the plumbing vent shaft shall terminate at least ten feet below grates located at finished grade.

E. Exposed electrical conductors for the sole purpose of providing traction power will be permitted.

Section 4. This Regulation to become effective immediately upon enactment.

44
1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel,D.C.
Agency, Office: L&O:WAR:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Regulation relating to subway construction by the Washington Metropolitan Area Transit Authority.

Regulation No. 69-47, adopted by the District of Columbia Council on October 21, 1969, authorizes the Washington Metropolitan Area Transit Authority to certify its plans for the construction of the proposed subway, and to inspect the work in connection therewith, subject, however, to inspection by District Government department heads or their agents to the extent the department heads consider such inspection to be necessary. In case of doubtful interpretation of any applicable building regulations, the Authority is required by Regulation No. 69-47 to abide by the interpretation thereof as given by the appropriate District Department. The arrangement afforded by the attached regulation is similar to that which has been in effect for a number of years with respect to construction undertaken by the Bureau of Buildings and Grounds of the Department of General Services.

Regulation No. 69-47 also authorizes departures from the provisions of other District regulations in five specified instances, in order to take into consideration certain unique problems involved in the construction of the subway.

I have no legal objections to your approval of Regulation No. 69-47.

Attachment

W-8

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCILMEMBERS

From REV. JERRY A. MOORE, CHAIRMAN, TRANSPORTATION COMMITTEE

Date October 7, 1969

Subject WMATA REGULATION

Under the terms of the Interstate Compact Agreement between Maryland, Virginia and the District of Columbia authorizing the construction of transit facilities in the Washington Metropolitan area, compliance "with all laws, ordinances and regulations of the signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control, and regulation, zoning, signs and buildings" is required.

The codes applicable to building in the District of Columbia, were not developed with subways in mind and, therefore, are not compatible in a number of instances with the design of a transit facility. These codes also make the Department of Licenses and Inspections responsible for the review of construction plans and completed work to assure that the builder has complied with the code. If the Department were to review the Metro plans and construction in the same manner as they do for private construction in the District, there would be a substantial increase in its present work load and a duplication of effort between the Department and the Authority.

Therefore, Mister Chairman, at this time I would like to introduce a resolution which would provide for the issuance of all necessary permits for Metro construction upon the certification of the Authority that the plans and specifications conform to applicable District regulations; would place in the Authority the responsibility to assure that the work has been installed in accordance with those plans and permit certain deviations from present D. C. regulations in the construction of the Metro.

4-E

D.C. - 44
May 1967

Memorandum ○ Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O Division RFK:bdh

TO: Gilbert Hahn, Jr.
Chairman
District of Columbia Council

Date: October 16, 1969

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D.C.

SUBJECT: WMATA Regulation

The Secretary of the Council has referred to this office for its review as to legal sufficiency a proposed regulation under which the Washington Metropolitan Area Transit Authority would be authorized to certify its plans for the construction of the subway, and to inspect the work in connection therewith, subject, however, to inspection by D. C. Government department heads or their agents to the extent the department heads consider such inspection to be necessary. This arrangement is similar to that which has been in effect for a number of years with respect to construction undertaken by the Bureau of Buildings and Grounds of the Department of General Services.

The proposed regulation also authorizes departures from the provisions of other District regulations in five specified instances, in order to take into consideration certain problems involved in the construction of the subway.

I am of the view that the proposed regulation is legally sufficient. I might note, however, that there is no need to capitalize the fourth word in section 3 of the regulation, and the "s" on the word "ventilations" in paragraph C should be stricken.

Regulation No. 69-48

Enactment Date

Regulation

of the

District of Columbia

TITLE Amendments to the 1961 Building Code of the District of Columbia to Bring the Code Requirements for Base and Roof Anchorages into Line With Other National Building Codes.

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the Building Code of the District of Columbia was enacted in 1961; and

WHEREAS, it is desirable to amend the D. C. Building Code to bring its base and roof anchorage requirements into line with other National Building Codes; and

WHEREAS, the D. C. Building Code Advisory Committee recommends these amendments.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

"Section 1. Delete Section 3-832," page 201, of the D. C. Building Code in its entirety and substitute in lieu thereof the following:

> "3-832 Base and Roof Anchorage. Wooden structures resting on masonry foundation or other walls shall have steel anchor bolts not less than 1/2 inch diameter with hook or plate, extending down into the wall not less than 15 inches and spaced not over 6 feet apart. Where rafters or sloped roof rest on masonry walls, there shall be not less than nominal 2-inch wall plates bolted to the wall; bolting shall be as set forth above."

Section 2. The amendment made by this regulation shall become effective on enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____ (Secretary of the City Council)

P-251

Certified copies are available.

Revised Fire Prevention Code

On the front cover and on the first un-numbered page, change "Board of Commissioners District of Columbia", to "Government of the District of Columbia".

On the back of the first un-numbered page, change "Department" to "Bureau", "Secretary" to "Secretariat" and "511" to "428".

On page i, before "APPENDICES", insert "13. LIST OF STANDARDS AND PUBLICATIONS".

On page ii, under "References", add in alphabetical order the following:

"AIA - American Insurance Association"
"API - American Petroleum Institute"
"DOT - Department of Transportation (see CFR, Code of Federal Regulations above)"
"D. C. Code - the District of Columbia Code, 1967 Edition"
"National Electrical Code, 1968".

On page ii, under "References", delete all references to "NBFU" and "ICC".

On page ii, under "References", change "Parts 71 to 90, January 1, 1963 (Interstate Commerce Commission)" following "CFR - Code of Federal Regulations, Title 49, Transportation" to "Parts 171 to 190, January 1, 1968 (Department of Transportation)".

On page ii, under "References", change "1963" following, "Flammable and Combustible Liquids Code, NFPA Pamphlet No. 30," to "1969".

On page ii, under "References", change "1964" following, "Standard for the Installation of Sprinkler Systems, NFPA Pamphlet No. 13," to "1969".

On page ii, under "References", change "1963" following, "Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA Pamphlet No. 58," to "1969".

On page ii, under "Explanation of Section Numbering", change "Board of Commissioners" to"District Government".

On page iii, change the year of the D. C. Code to "1967" so that it will read "1967 edition", and the year of the United States Code to "1964" so that it will read "1964 ed.".

On page iii, add in alphabetical order:

"DOT - Department of Transportation"

On page iii, delete "ICC - Interstate Commerce Commission".

CHAPTER 1

CONTENTS

Art. 1-3, add "Use of Tar Pots---------- 7.141
Draperies, Institutions---------- 7.142
Floats---------- 7.143
Open Burning---------- 7.144"

ARTICLE 1-1

Section 7-101 (a) - in the sixteenth line delete "National Board of Fire Underwriters" and insert "American Insurance Association".

Section 7-104 (c) - in the tenth line change "Commissioners" to "Director of Public Safety" and in the eleventh line change "them" to "him".

Section 7-112 - delete "Interstate Commerce Commission" and insert "Department of Transportation".

Section 7-117 - in Definitions - add "Cellar means any portion of a story partly or entirely below grade whose volume is less than 1/2 above the adjacent finished grade."

Section 7-117 - delete paragraph "Commissioners means the Board of Commissioners of the District of Columbia" and insert "Commissioner shall mean the Commissioner of the District of Columbia".

Section 7-117 - in definition of Electrical Code, add at the end, "as amended".

Section 7-117 - in definition of "I.C.C container", delete "I.C.C." and "Interstate Commerce Commission", insert "DOT" and "Department of Transportation", respectively, and insert this definition as amended after definition of "D. C. or District".

Section 7-117 - in the third line of the second paragraph from the end of page 3, delete "National Board of Fire Underwriters" and insert "American Insurance Association".

Section 7-117 - in definition of "This Code" add at the end, "as amended".

ARTICLE 1-3

Note - Delete "D. C. Fuel Burning Equipment Regulations (1961 ed.) as to bonfires, open fires, outdoor incinerators; see also".

Section 7-130 - in the seventh line omit "or", add a comma after "renovation" and insert "or razing".

Section 7-135, delete subsection (a) and insert in lieu thereof the following subsections, redesignating the present subsection "(b)" as subsection "(c)".

> "7-135. STORAGE OF COMBUSTIBLE MATERIALS. (a) Definition of Term Used In This Article. Combustible materials means and includes empty packing cases, baskets, boxes, barrels, other similar containers, rubber tires, cotton, cork or other materials which will burn readily.
>
> (b) Permit Required. A permit issued by the Fire Chief shall be required for the storage and handling of combustible materials in excess of 2500 cubic feet, gross volume."

At the end of Section 7-140, delete reference to pages reserved for future use.

Section 7-141 (NEW) as following:

> "7-141. USE OF TAR POTS. A tar pot that is being heated by an open flame shall be located so as to maintain a minimum distance of 10 ft. clearance from any openings into a building, including glazed openings. The same

distance shall apply to combustible building materials, frame buildings, or marble, stone, or other type of masonry faced buildings, that might be damaged as the result of a fire in the tar pot.

The above 10 ft. clearance may be reduced by 9 ft. if a shield of incombustible material is provided between tar pot and exposure with shield extending at least 2 ft. wider than tar pot in both directions and to a height of at least 6 ft., substantially supported and braced.

Tar pots being heated by an open flame shall not be permitted inside of any buildings or on the roof of any building unless the roof slab is of incombustible material."

Section 7-142 (NEW) as following:

"7-142. DRAPERIES, INSTITUTIONS. All combustible draperies, cubicle curtains, and curtains for decorative and accoustical purposes in institutions shall be rendered and maintained flame retardant."

Section 7-143 (NEW) as follows:

"7-143. FLOATS. All decorations used on floats shall be of flame resistant material approved by the Fire Chief. Heating devices or smoke effects used on floats shall not be installed unless the written permission of the Fire Chief has been obtained in advance. All electrical wiring used in floats, including that in the propelling equipment of floats, shall be installed in a safe manner and shall be clean and free from defects. Engines and all other mechanical equipment shall be in good working order and shall be free of excess grease. Fire extinguishers of such number, type, and size as may be required by the Fire Chief shall be carried on each float."

Section 7-144 (NEW) as follows:

"7-144. OPEN BURNING. No person shall engage in, or allow, a fire for the destruction of waste matter, in which any material is burned in the open, or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack."

ARTICLE 1-4

Section 7-145 (a) - at the end of the seventh line insert "day care, head start,".

Amend "Note" at end of Chapter to read as follows: "the definitions of 'Basement' and 'Cellar' in Section 7-117, supra, follow those of the D. C. Building Code."

CHAPTER 2

ARTICLE 2-1

Section 7-203 - amend to read as follows: "PYROXYLIN COATED FABRIC. Pyroxylin coated fabric used as a decorative material or as surface covering on fixed furnishings containing 1.4 ounces or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one square foot of fabric surface to 15 cubic feet of room volume. Each square foot of such fabric which contains 1.7 ounces or more of cellulose nitrate per square yard shall be counted as two square feet in making this computation."

Section 7-217 - delete entire paragraph and insert the following:

"7-217. EMERGENCY LIGHTING. All emergency lighting shall comply with the D. C. Electrical Code."

Section 7-225 - delete "Sec. 73.177 and 73.178 of the Code of Federal Regulations (CFR), Interstate Commerce Commission" and insert "Sec. 173.177 to 173.181 of Title 49, CFR".

ARTICLE 2-2

Section 7-255 - delete dagger at the end of the section and the "Note" which follows.

Change title of page 13 to "PLACES OF ASSEMBLY".

CHAPTER 3

CONTENTS

Art. 3-2 - delete "Plans and Specifications, Standpipes ---- 7-314" and insert "Plans and Specifications, Sprinklers and Standpipes ----- 7-314."

ARTICLE 3-1

Section 7-301 - add new paragraph (d) as follows:

"(d) Doors to Exit Ways Unlocked. All doors leading to required exit ways shall be kept unlocked at all times when the building or floor area served thereby is occupied."

ARTICLE 3-2

Section 7-313 - insert at the end of the first sentence "but water type extinguishers equipped with pressure gauge need only be inspected and tagged."

Section 7-314 - revise caption to read "PLANS AND SPECIFICATIONS, SPRINKLERS AND STANDPIPES."

Section 7-316 - in line eight delete "National Board of Fire Underwriters Pamphlet No. 13, Standards for the Installation of Sprinkler Systems, May 1963 edition" and "insert "National Fire Protection Association Pamphlet No. 13, Standards for Sprinkler Systems".

ARTICLE 3-3

Section 7-331 - delete "D. C. Fuel Burning Equipment Regulations (1961 ed.) and".

Section 7-341 (j) - delete "and Section IV, Article 7 of the D. C. Fuel Burning Equipment Regulations (1961 ed.)".

CHAPTER 4

ARTICLE 4-1

Section 7-402 - definitions of terms used in this chapter are changed as follows:

Automobile service station - delete and insert "Automobile service station (garage) shall mean a building, structure, or area, or any portion thereof used for the purpose of dispensing motor fuels from fixed equipment into the fuel tanks of motor vehicles and for other services incidential thereto."

Boiling point - correct 4.7 psia to read "14.7 psia" and delete "(760 mm)" immediately following.

Bulk plant - insert "or combustible" after the word "flammable" at end of second line.

Chemical plant - delete and insert "Chemical plant shall mean a large integrated plant or that portion of such plant other than a refinery or distillery where flammable or combustible liquids or hazardous chemicals are produced by chemical reactions or used in chemical processing."

Combustible liquid - delete from present place - to be carried under liquids.

Commercial or industrial establishments - insert "or combustible" after the word "flammable" in the fourth line.

Container - delete and insert "Container shall mean any can, bucket, barrel or drum."

Distillery - insert "or combustible" after the word "flammable" in third line.

Flammable liquids - delete from present place - to be carried under liquids.

Insert the following definitions after "Flash point":

"Liquid shall mean, when not otherwise identified, both flammable and combustible liquids.

Combustible liquid shall mean any liquid having a flash point at or above 140°F. and below 200°F., and shall be known as a Class III liquid.

Flammable liquid shall mean any liquid having a flash point below 140°F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F.

Unstable (reactive) liquid shall mean any liquid which will vigorously and energetically react, is potentially explosive, will polymerize, decompose instantaneously, undergo uncontrollable autoreaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are organic peroxides and nitromethane."

Marine service station - insert "or combustible" after the word "flammable" in third line.

Process area - insert "or combustible" after the word "flammable" in second line.

Refinery - insert "or combustible" after the word "flammable" in second line.

Insert the following definition after the definition of "Vapor":

"Ventilation means air circulation for prevention of fire and explosion and shall be in accordance with applicable provisions of the D. C. Building Code."

Section 7-403 - delete the first six sentences following the Section title and insert the following:

"Flammable liquids shall be divided into two classes of liquids as follows:

Class I liquids shall include those having flash points below 100°F. and may be subdivided as follows:

Class 1A shall include those having flash points below 73°F. and having a boiling point below 100°F.

Class 1B shall include those having flash points below 73°F. and having a boiling point at or above 100°F.

Class 1C shall include those having flash points at or above 73°F. and below 100°F.

Class II liquids shall include those having flash points at or above 100°F. and below 140°F.

When artifically heated to temperatures equal to or higher than their flash points, Class II and III liquids shall be subject to the applicable provisions for Class I or II liquids. The provisions of this article shall also be applied to high flash point liquids even though these same liquids would be outside the scope of this article when they are not heated.

Section 7-404 - (c) insert "or combustible" after the word "flammable" next to the last word.

(d) Insert "or combustible" after the word "flammable" in second line.

(e) Delete entire subsection.

Section 7-406 - (b) add at the end of the section "or when the container is labeled in accordance with the Federal Hazardous Substances Labeling Act and Regulations."

(e) In label change "FLAMMABLE" to "COMBUSTIBLE".

Section 7-408 (NEW) as follows:

"Section 7-408. TANKS AND CONTAINERS. (a) To be Kept in Underground Storage Tanks, Generally. Except as otherwise specified in this chapter, all flammable liquids shall be kept in storage tanks underground.

(b) Containers. A container shall not exceed 60 gallons individual capacity and shall be made of metal except that:

(1) Plastic or glass containers having an individual capacity of not more than one pint may be used for flammable and combustible liquids.

(2) Plastic or glass containers having an individual capacity of not more than one gallon may be used for medicines, beverages, foodstuff and toiletries that are flammable or combustible liquids.

(3) Plastic or glass containers having an individual capacity of not more than one gallon may be used for flammable and combustible liquids whose chemical purity would be contaminated by metal containers."

(Sections 7-409 and 7-410 reserved for future use.)

ARTICLE 4-2

Section 7-411 - delete "(a) General" and insert the following:

"(a) Materials. Tanks shall be built of steel except as follows:

(1) Tanks may be built of noncombustible materials other than steel if required by the properties of the flammable or combustible liquid stored.

(2) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used and shall be approved by the Fire Chief.

(3) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40 degrees API or heavier. Concrete tanks with special lining may be used for other services providing the design is in accordance with sound engineering practice."

Section 7-425 (b) - delete "National Board of Fire Underwriters Pamphlet No. 13 - 1963" and insert "National Fire Protection Association Pamphlet No. 13, Standards for Sprinklers."

Section 7-426 - delete "Part 78" and insert "Part 178".

CHAPTER 5

ARTICLE 5-1

Section 7-514 (b) - delete "Interstate Commerce Commission, Title 49, Part 74" and insert "Department of Transportation, Title 49, Part 174".

ARTICLE 5-5

Section 7-571 - insert "or combustible" after the word "flammable" in sub-sections (a), (b), and (c) (1) and (2).

Section 7-572 - insert "or combustible" after the word "flammable" in sub-section (c).

Section 7-575 - insert "or combustible" after the word "flammable" at the end of the fifth line.

Section 7-576 - insert "or combustible" after the word "flammable" in sub-sections (a), (b), and (c). Add new sub-section (d) as follows:

"(d) Dumping into Sewers. Flammable or combustible liquids shall not be dumped into sewers, [illegible], but shall be stored in tanks or tight drums outside of any building unless removed from the premises."

Section 7-577 - insert "or combustible" after the word "flammable" in second line.

CHAPTER 6

ARTICLE 6-1

Section 7-613 (a) - delete "ICC regulations Spec. MC 304, sections 78.325 thru 78.325-18" and insert "DOT regulations Spec. MC 306, 307 and 312, sections 178.340 thru 178.343".

Section 7-613 (b) - delete "ICC" and insert "DOT".

CHAPTER 7

CONTENTS

Art. 7-1 - delete in entirety and insert:

"ART. 7-1. WELDING OR CUTTING, CALCIUM CARBIDE AND ACETYLENE GENERATORS

Scope of Article ---------- 7-701
Definitions ---------- 7-702
Compliance with Nationally Recognized Good Practice ---------- 7-703
Fire Control ---------- 7-704
Permit Required for Cylinder Storage ---------- 7-705
Storage of Cylinders and Containers ---------- 7-706
Manifolding of Cylinders ---------- 7-707
Service Piping Systems for Fuel Gases and Oxygen ---------- 7-708
Protective Equipment ---------- 7-709
Station Outlet Protective Equipment ---------- 7-710
Hose and Hose Connections ---------- 7-711
Pressure Reducing Regulator ---------- 7-712
Permit Required for Acetylene Generators ---------- 7-713
Acetylene Generators ---------- 7-714
Outside Generator Houses and Inside Generator Rooms for Stationary Acetylene Generators ---------- 7-715
Permit Required for Storage of Calcium Carbide ---------- 7-716
Containers for Calcium Carbide ---------- 7-717
Storage of Calcium Carbide in Buildings ---------- 7-718
Electric Arc-Welding and Cutting ---------- 7-719"

Art. 7-2 - add

"Anhydrous Ammonia ---------- 7-738
Gaseous Hydrogen Systems at Consumer Sites ---------- 7-739"

(Sections 7-740 to 7-750 reserved)

Art. 7-3 delete present "Permit Required - 7-752" and insert

"Definitions ---------- 7-752
Permit Required ---------- 7-753"

(Sections 7-754 to 7-760 reserved)

Art. 7-4 - delete:

"Potentially explosive Chemicals ---------- 7-768
Highly Toxic Materials ---------- 7-769"

Art. 7-4 - add the following:

"Unstable (Reactive) Chemicals ---------- 7-768
Organic Peroxides ---------- 7-769
Nitromethane ---------- 7-770
Ammonium Nitrate ---------- 7-771
Highly Toxic Materials ---------- 7-772
Poisonous Gases ---------- 7-773
Corrosive Liquids ---------- 7-774"

(Sections 7-775 to 7-780 reserved)

Change titles of pages 45 and 45 to read: "HAZARDOUS GASES AND CHEMICALS".

Art. 7-5 - add new

"Thermal Insecticidal Fogging ---------- 7-787"

ARTICLE 7-1

Delete 7-701 thru 7-719, and insert the following:

"Section 7-701. SCOPE OF ARTICLE. This article shall apply to:

(a) The installation and operation of oxygen-fuel gas, gaseous fuels generated from flammable liquids under pressure, or electric-arc welding or cutting or any combination thereof, or

(b) Storage of calcium carbide and gases used in welding, cutting or heat treating.

Section 7-702. DEFINITIONS.

Acetylene, low pressure shall mean acetylene at a pressure not exceeding 1 psig.

Acetylene, medium pressure shall mean acetylene at pressures exceeding 1 psig. but not exceeding 15 psig.

Acetylenic compound shall mean a material which, like acetylene, has a triple bond between two carbon atoms.

Fuel gas shall mean acetylene, hydrogen, LP-Gas, and other liquefied and nonliquefied flammable gases.

Hydraulic back-pressure valve as a term is used interchangeably with 'hydraulic seal' and 'hydraulic valve'.

Machine shall mean a device in which one or more torches using fuel gas and oxygen are incorporated.

Manifold shall mean an assembly of pipe and fittings for connecting two or more cylinders for the purpose of supplying gas to a piping system or directly to a consuming device.

Oxygen manifold, high-pressure, shall mean a manifold connecting oxygen containers having a DOT service pressure exceeding 200 psig.

Oxygen manifold, low-pressure, shall mean a manifold connecting oxygen containers having a DOT service pressure not exceeding 200 psig.

Piping shall mean pipe or tubing or both for any purpose and made of any material that is acceptable under this chapter. (Pipe shall mean a rigid conduit. Tubing shall mean a semi-rigid conduit.)

Portable outlet header shall mean an assembly of piping and fittings used for service-outlet purposes which is connected to the permanent service piping by means of hose or other non-rigid conductors.

Station outlet shall mean the point at which gas is withdrawn from the service piping system.

Section 7-703. COMPLIANCE WITH NATIONALLY RECOGNIZED GOOD PRACTICE. (a) In the performance of welding or cutting operations, only approved equipment shall be used, and the equipment shall be installed and operated in accordance with nationally recognized good practice.

(b) The use of liquid acetylene or liquid acetylenic compounds is prohibited unless properly stabilized.

Section 7-704. FIRE CONTROL (same as Section 7-703 (a) thru (e) in present code; with exception of heading 'FIRE PREVENTION' being changed to "FIRE CONTROL'.)

Section 7-705. PERMIT REQUIRED FOR CYLINDER STORAGE. A permit issued by the Fire Chief shall be required for the storage of cylinders used in conjunction with welding or cutting operations where more than 2,000 cubic feet of flammable compressed gas other than liquefied petroleum gas or 6,000 cubic feet of nonflammable compressed gas is stored.

Section 7-706. STORAGE OF CYLINDERS AND CONTAINERS: (a) Fuel gas cylinders stored inside of buildings, except those in actual use or attached ready for use, shall be limited to a total capacity of 2,000 cubic feet of gas. Storage exceeding 2,000 cubic feet total gas capacity of cylinders shall be in a separate room or separate building constructed in accordance with applicable provisions of the D. C. Building Code and D. C. Electrical Code.

(b) Cylinders of dissolved acetylene shall be stored with the valve end up to minimize possibility of solvent being discharged as liquid.

(c) Oxygen cylinders shall not be stored in inside acetylene generator rooms.

(d) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least one hour. This partition shall be without openings and shall be gastight.

(e) Oxygen cylinders in storage shall be separated from fuel gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour.

(f) Cylinders permitted inside of buildings shall be stored at least 20 feet from highly combustible materials and where they will not be exposed to excessive rise in temperature, physical damage, or tampering by unauthorized persons.

(g) Empty cylinders shall have their valves closed while in storage and during shipment.

(h) Where caps are provided for valve protection, such caps shall be in place except when the cylinders are in service or connected ready for service.

(i) Welding or cutting work shall not be supported by compressed gas cylinders.

(j) Gas shall not be transferred from one cylinder to another or mixed with another gas in a cylinder.

(k) Pressure adjusting screws on regulators shall be fully released before the regulator is attached to a cylinder and the cylinder valve opened.

(l) Valves on cylinders on compressed gas shall be opened slowly.

(m) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(n) High-pressure oxygen cylinders shall be used only with pressure-regulating devices approved and marked for use with oxygen.

(o) Oxygen cylinders, valves, regulators, hose, and other apparatus shall be kept free from oil or grease and shall not be handled with oily hands, oily gloves, or with greasy equipment.

(p) Fuel gas shall not be used from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(q) Cylinders shall be secured when stored on job site.

Section 7-707. MANIFOLDING OF CYLINDERS. (a) Except as provided in section 7-707 (b), fuel gas cylinders connected to one manifold inside a building shall be limited to a total capacity not exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel gas. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart.

(b) Fuel gas cylinders connected to one manifold having an aggragate capacity exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel gas shall be located outdoors, or in a separate building or room constructed in accordance with applicable provisions of the D. C. Building Code and D. C. Electrical Code.

(c) Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases. Such buildings or rooms shall have no open flames for heating or lighting and shall be well-ventilated.

(d) High-pressure fuel gas manifolds shall be provided with approved pressure regulating devices.

(e) Oxygen manifolds shall not be located in an acetylene generator room.

Oxygen manifolds shall be separated from fuel gas cylinders or combustible materials (especially oil or grease) a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hours.

(f) Except as provided in sub-section (g), oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 6,000 cubic feet. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart.

(g) An oxygen manifold, to which cylinders having an aggregate capacity of more than 6,000 cubic feet of oxygen are connected, shall be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room of noncombustible construction having a fire resistance of at least 1/2 hour or in an area with no combustible material within 20 feet of the manifold.

(h) High-pressure oxygen manifolds shall be provided with approved pressure-regulating devices.

(i) Low-pressure oxygen manifolds shall be suitable for use with oxygen at a pressure of 250 psig, having a minimum bursting pressure of 1000 psig and be protected by a safety relief device which will relieve at a maximum pressure of 500 psig. The following sign shall be conspicuously posted at each low pressure oxygen manifold:

LOW-PRESSURE MANIFOLD
DO NOT CONNECT HIGH-PRESSURE CYLINDERS
MAXIMUM PRESSURE--250 PSIG

(j) Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply from outlets located on the service piping system.

(k) Each outlet on the service piping from which oxygen or fuel gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

(l) Master shutoff valve for both oxygen and fuel gas shall be provided at the entry end of the portable outlet header.

(m) Portable outlet headers for fuel gas service shall be provided with an approved hydraulic back-pressure valve installed at the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved backflow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connection.

(n) The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

Section 7-708. SERVICE PIPING SYSTEMS FOR FUEL GASES AND OXYGEN. (a) Piping and fittings shall be in accordance with nationally recognized standards.

(b) Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing except as provided in sub-sections (c) and (d) of this section.

(c) Oxygen piping and fittings at pressures in excess of 700 psig. shall be stainless steel or nonferrous metal.

(d) Pipe for acetylene or acetylenic compounds shall be steel or wrought iron, except that unalloyed copper may be used in equipment listed by a nationally recognized testing laboratory.

(e) Acetylene shall not be piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 psig.

(f) Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as ells, tees, couplings and unions, may be rolled, forged or cast steel, malleable iron or nodular iron. Gray or white cast-iron fittings are prohibited.

(g) Joints in brass or copper pipe shall be welded, brazed, threaded or flanged. If of the socket type they shall be brazed with silver-brazing alloy or similar high melting point filler metal.

(h) Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point filler metal.

(i) Threaded connections in oxygen pipe shall be tinned or made up with litharge and glycerine, litharge and water, or other joint compound approved for oxygen service applied to the male threads only.

(j) Piping shall be run as directly as practicable, protected against corrosion and physical damage, and allowance made for expansion, contration, jarring and vibration.

(k) Readily accessible gas valves shall be provided to shut off the gas supply to buildings, in the discharge from generators, gas holders, manifolds or other sources of supply.

(l) Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable corrosion resisting material.

(m) All piping shall be tested and approved tight at one and one-half times its maximum working pressure. Any medium used for testing oxygen lines shall be oil-free and nonflammable.

Section 7-709. PROTECTIVE EQUIPMENT. (a) Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging to a safe location.

(b) Approved protective equipment shall be installed in the fuel gas piping to prevent: (1) backflow of oxygen into the fuel gas supply system; (2) passage of a flash back into the fuel gas supply system; and (3) excessive back pressure of oxygen in the fuel gas supply system.

(c) The protective equipment shall be located in the main supply line, or at the head of each branch line, or at each location where gas is withdrawn.

(d) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel gas system.

(e) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel gas system.

(f) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flash-back protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flash-back protection devices.

(g) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

Section 7-710. STATION OUTLET PROTECTIVE EQUIPMENT. (a) A check valve, pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow.

(b) A shutoff valve shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

Section 7-711. HOSE AND HOSE CONNECTIONS. Hose for oxygen and fuel gas service including hose used to connect portable outlet headers to service piping shall be in accordance with nationally recognized standards.

Section 7-712. PRESSURE REDUCING REGULATOR. Regulators or automatic reducing valves shall be used only for the gas for which they are intended.

Section 7-713. PERMIT REQUIRED FOR ACETYLENE GENERATORS. No person shall operate an acetylene generator having a carbide capacity exceeding five pounds except under the authority of a permit issued by the Fire Chief.

Section 7-714. ACETYLENE GENERATORS. (a) Acetylene shall not be generated at a pressure in excess of 15 psig.

(b) Portable generators shall not be operated within 10 feet of combustible material other than floors.

(c) Portable generators shall be taken outdoors for cleaning, charging, or purging.

Section 7-715. OUTSIDE GENERATOR HOUSES AND INSIDE GENERATOR ROOMS FOR STATIONARY ACETYLENE GENERATORS. (a) Outside generator houses shall be constructed in accordance with applicable provisions of the D. C. Building Code and D. C. Electrical Code. Openings in any outside generator house shall not be located within 5 feet of any opening in another building.

(b) Buildings in which acetylene generators are located shall not exceed one story in height except that they may be installed on the top floor or

roof of a multi- or single-story building.

(c) Generators installed inside buildings shall be enclosed in a room constructed in accordance with applicable provisions of the D. C. Building Code and D. C. Electrical Code. At least one wall of the room shall be an exterior wall.

(d) Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

(e) Heating shall be by steam, hot water, or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

(f) Source of ignition shall be prohibited in outside generator houses or inside generator rooms.

(g) Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference. When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

Section 7-716. PERMIT REQUIRED FOR STORAGE OF CALCIUM CARBIDE. No person shall store or keep calcium carbide in excess of ten pounds, except under the authority of a permit issued by the Fire Chief.

Section 7-717. CONTAINERS FOR CALCIUM CARBIDE. Containers used for the storage of calcium carbide shall be of metal of sufficient strength to insure handling without rupture, and shall be provided with a screw top or its equivalent. They shall be of water-tight and air-tight construction. Solder shall not be used on joints in such manner that fire would disrupt the package. Packages shall be marked "Calcium Carbide - Dangerous If Not Kept Dry."

Section 7-718. STORAGE OF CALCIUM CARBIDE IN BUILDINGS. (a) To be in dry, waterproof, well-ventilated place. Storage of calcium carbide inside buildings shall be in a dry, waterproof, and well ventilated location.

(b) Not over 600 pounds, how stored. Calcium carbide not in excess of 600 pounds may be stored inside buildings or in the same room with fuel gas cylinders.

(c) Over 600 pounds but not over 5000 pounds. Calcium carbide in excess of 600 pounds but not in excess of 5000 pounds shall not be stored in a building containing other occupancy, except in an acetylene generator room or separate room or compartment, in a one-story building without cellar or basement underneath the carbide storage section. Such rooms shall be of construction having a fire resistance rating of not less than one hour, with openings to other parts of the building protected by approved self-closing fire doors or stationary wire glass windows in approved metal frames. Adequate ventilation shall be provided. A room used for such storage shall not be used for any other purpose.

(d) Over 5000 pounds. Calcium carbide in excess of 5000 pounds shall be stored in one-story buildings without cellar or basement (which buildings shall be used for no other purpose) or shall be stored in outside acetylene generator houses. Location of such storage buildings shall be outside congested mercantile and manufacturing districts. If storage building is of noncombustible construction, it may adjoin other one-story buildings if separated therefrom by unpierced fire wall; if detached less than ten feet from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within said distance. If the storage building is of combustible construction, it shall not be within 20 feet of any other one or two-story building, nor within 30 feet of any other building exceeding two stories.

(e) Calcium carbide in unopened metal containers may be stored outdoors. Storage areas shall be at least 10 feet from lines of adjoining property that may be built upon.

Section 7-719. ELECTRIC ARC-WELDING AND CUTTING. (a) Grounding. The frame or case of the welding machine, except internal combustion engine driven machines, shall be grounded. Grounded connections shall be mechanically strong and electrically adequate for the required current.

(b) Return circuits contacts. Welding current return circuits from the work to the machine shall have proper electrical contact at all joints, and periodic inspection shall be made to ascertain that proper electrical contact is maintained.

(c) When electric arc-welding or cutting is to be discontinued for any substantial period of time, such as during lunch hour or overnight, all electrodes shall be removed from the holders, the holders shall be carefully located so that accidental contact cannot occur, and the machines shall be disconnected from the power source."

ARTICLE 7-2

Section 7-732 - make the following changes in definitions:

Bulk oxygen systems - (i) change "12,000" to "13,000".

Compressed gas - after word "pressure" in tenth line, delete "exceeding 40 pounds per square inch at 100°F." and insert "as defined in Chapter 13."

Insert in alphabetical order (new):

"Gaseous hydrogen system shall mean a facility in which the hydrogen is delivered, stored and discharged in the gaseous form to consumer piping. The system includes stationary or movable containers, pressure regulators, safety relief devices, manifolds, interconnecting piping and controls. The system terminates at the point where hydrogen at service pressure first enters the consumer's distribution piping."

Piped distribution system - in fifth line delete "building" and insert "hospital" in its place.

Section 7-733 - delete "60 pounds" and insert "2000 cubic feet".

Section 7-734 - delete present paragraphs (a) and (b) and insert:

"Each cylinder or pressure vessel shall be designed, constructed, tested, maintained and marked with the name of the gas contained so as to be reasonably safe to persons and property. Evidence that each cylinder or pressure vessel has been designed, constructed, tested, maintained and marked with the name of the gas contained in accordance with the applicable standards specified for this section in Chapter 13 of this Code shall be evidence that such cylinder or pressure vessel is reasonable safe to persons and property."

Section 7-735 - delete present paragraph and insert:

"Section 7-735. CYLINDER SYSTEMS FOR FLAMMABLE ANESTHETICS OR NON-FLAMMABLE MEDICAL GASES. (a) Cylinders containing flammable medical gases in hospitals and similar facilities shall be stored, handled and used in accordance with nationally recognized good practice.

(b) Piping systems shall not be used to distribute flammable medical gases in any hospital or similar facility."

Section 7-736 - delete the word "buildings" and insert "hospitals or similar facilities".

Section 7-738 (new):

"Section 7-738. ANHYDROUS AMMONIA. Anhydrous ammonia shall be stored and handled so as to be reasonably safe to persons and property. Evidence that anhydrous ammonia has been stored and handled in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such anhydrous ammonia is reasonably safe to persons and property."

Section 7-739 (new):

"Section 7-739. GASEOUS HYDROGEN SYSTEMS AT CONSUMER SITES. Gaseous hydrogen systems shall be installed so as to be reasonably safe to persons and property. Evidence that gaseous hydrogen systems have been installed in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such gaseous hydrogen systems are reasonably safe to persons and property."

In note, change "7-738" to "7-740".

ARTICLE 7-3

Section 7-751 - delete "1963".

Section 7-752 - renumber as Section 7-753 and insert the following new Section 7-752:

"Definitions. (a) Liquefied petroleum gas shall mean any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butane (normal butane or iso-butane) and butylenes.

(b) Liquefied petroleum gas equipment shall mean all containers, apparatus, piping (not including utility distribution piping systems), and equipment pertinent to the storage and handling of liquefied petroleum gas. Gas consuming appliances shall not be considered as being liquefied petroleum gas equipment."

In Note - change "7-753" to "7-754".

ARTICLE 7-4

Section 7-761 - delete present Section and insert:

"Section 7-761. SCOPE. This article shall apply to materials not otherwise covered in this code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render fire fighting abnormally dangerous or difficult; also to materials and formulations which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous or exothermic reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases, radioactive materials and unstable chemicals, as defined in section 7-762."

Section 7-762 - definitions, changed as follows:

Corrosive liquid - delete "means" after the word "liquid" and insert "shall mean and include."

Flammable solid - delete "means" after the word "solid" and insert "shall mean and include" and add at end of definitions "Examples are: white phosphorous, nitrocellulose, metallic sodium and potassium, and zirconium powder."

Delete the present sentence explaining "Highly toxic materials" and substitute the following: "Highly toxic material ahall mean and include all materials so poisonous to man as to constitute an unusual hazard to life and health during firefighting operations. Examples are: parathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate), and similar insecticides and pesticides."

Delete the present sentence explaining "Oxidizing material" and substitute the following: "Oxidizing material shall mean and include all substances that yield oxygen to support combustion. Examples are: chlorates, perchlorates, bromates, peroxides, nitric acid, nitrates, and permanganates."

Poisonous gas - delete "means" after the word "gas" and insert "shall mean and include" and delete "when mixed with" and insert "in". Add at the end of definition "Examples are: chlorine, cyanogen, flourine, hydrogen cyanide, nitric oxide, nitrogen tetraoxide and phosgene."

Delete the definition "Potentially explosive chemical."

Radioactive material - delete "means" and insert "shall mean and include".

Add the following new definitions:

"Sealed source shall mean a quantity of radiation so enclosed as to prevent the escape of any radioactive material but at the same time permitting radiation to come out for use.

Storage, isolated, shall mean storage away from incompatible materials in a different storage room or in a separate and detached building located at a safe distance from hazardous occupancies and important exposures.

Storage, separated, shall mean storage in the same fire area but physically separated by as much space as practicable, using sills or curbs as safeguards, or by intervening storage of non-hazardous, compatible commodities.

Unstable (reactive) chemical shall mean any substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize, decompose instantaneously, undergo uncontrollable auto-reaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are: organic peroxides, nitromethane, and ammonium nitrate."

Section 7-763 - delete present and insert:

"Section 7-763. PERMIT REQUIRED. (a) A permit shall be required for the storage or handling of more than 55 gallons of corrosive liquids; or more than 500 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 500 pounds of nitromethane; or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures defined in 7-771 (a) or any amount of highly toxic material or poisonous gas.

(b) A permit shall be required for the storage or handling at any installation of more than one microcurie of radium not contained in a sealed source; or more than one millicurie of radium or other radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the United States Atomic Energy Commission is required so as to be reasonably safe to persons and property. Evidence that a specific license for the radioactive material has been obtained from the United States Atomic Energy Commission in accordance with the applicable standard specified in Chapter 13 of this Code shall be evidence that such license represents reasonable procedure for safety to persons and property.

(c) Before authorizing the issuance of any permit, the Fire Chief may require the applicant to submit in writing one or more of the following:

(1) A report from an approved testing laboratory setting forth the physical and chemical properties of the chemical in question, whenever such properties are not readily available in published reference or from other recognized sources.

(2) Evidence that the manner of manufacturing, processing, storage, use or transportation of the hazardous chemicals in question is in accordance with nationally recognized safe practices and that no undue hazard to life or property is involved.

(3) Qualification, experience and knowledge of the person who is to supervise the operations involving the particular material.

Reports concerning materials or processes may be marked for the confidential information of the Fire Chief, who shall use the data contained therein to evaluate the fire and explosion hazard."

Section 7-768 - delete present section and insert:

"Section 7-768. UNSTABLE (REACTIVE) CHEMICALS. (a) Storage location for unstable chemicals, such as organic peroxides, nitromethane and ammonium nitrate shall be subject to approval by the Fire Chief with respect to nearness to dwellings, places of assembly, educational occupancies, institutional occupancies, railroads and public highways. Limitations on storable quantities shall be considered with regard to proximity of these exposures and congested commercial or industrial districts.

(b) Unstable chemicals shall be stored away from all incompatible chemicals and contaminating and sensitizing materials. Such chemicals shall be kept away from all heat-producing appliances and electrical devices and shall be protected from external heat, fire and explosion. Unstable reactive chemicals shall not be stored in the same building with or in close proximity to explosives and blasting agents except that ammonium nitrate may be stored with explosives and blasting agents in accordance with Chapter 10. Good housekeeping shall be maintained. Uncontaminated contents of broken or cracked bags, packages or other containers shall be transferred to new and clean containers before storing. Other spilled materials and discarded containers shall be promptly gathered up and destroyed in an approved manner. All electric bulbs shall be equipped with guards to prevent breakage. Open lights or flames and smoking shall be prohibited in or near storage areas. Internal combustion motor vehicles or lift trucks shall not be parked or stored in the room or compartment where such chemicals are located.

(c) Unstable chemicals that are unstable (reactive) liquids, such as organic peroxides and nitromethane shall in addition to complying with the applicable provisions of this Chapter 7 comply with the applicable provisions of Chapter 4, Article 4-2."

Section 7-769 - delete present section and insert:

"Section 7-769. ORGANIC PEROXIDES. (a) Organic peroxide storage shall comply with Section 7-768 and this section.

(b) Organic peroxides of 50 pounds or more shall be stored in a detached, well isolated ventilated and unheated storage building constructed of materials having a fire resistance rating of not less than two hours with a noncombustible floor and a light weight insulated roof. If not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable liquid storage, combustible materials in the open and from any other building or highway:

Weight of Organic Peroxide Pounds			Distance Feet
50	to	100	75
100	to	500	100
500	to	1000	125
1000	to	3000	200
3000	to	5000	300

(c) Stock supplies stored inside production buildings shall be limited to 50 pounds at any one time.

(d) The organic peroxides shall be stored in the original shipping containers (DOT containers). Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas."

Add the following new sections:

"Section 7-770. NITROMETHANE. (a) Nitromethane storage shall comply with section 7-768 and this section.

(b) Nitromethane storage shall be in a suitable isolated outdoor area with no hazardous processing in the vicinity of the storage area.

(c) Nitromethane shall be stored in the drums in which it is received or in an underground tank with suitable corrosion protection and a minimum of 2 feet of earth over the tank or in barricaded tanks aboveground. If the drum storage is not adequately protected by a fast acting deluge type automatic sprinkler system, the storage of 2,000 pounds or more shall be located the following minimum distances from inhabited buildings:

Weight Pounds over		Pounds not over	Approximate Number of drums	Distance Feet
0	to	2,000	4	100
2,000	to	10,000	20	200
10,000	to	20,000	40	300
20,000	to	40,000	80	400
40,000	to	80,000	160	500

(d) Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

"Section 7-771. AMMONIUM NITRATE. (a) Ammonium nitrate in the form of crystals, flakes, grains or prills shall include technical grade, fertilizer grade as determined by applicable test procedures and apparatus specified for this section in Chapter 13 of this Code, nitrous oxide grade, dynamite grade, and other mixtures containing 60% or more ammonium nitrate; but shall not include blasting agents.

(b) Ammonium nitrate storage shall comply with section 7-768 and this section.

(c) Ammonium nitrate storage areas shall be separated by a space of 30 feet, with sills or curbs, or by approved type walls of not less than one hour fire-resistance rating, from stocks of organic chemicals, corrosive liquids, flammable compressed gases, flammable and combustible materials, such as coal, sawdust, charcoal, or flour where storage of such materials is permitted with ammonium nitrate. Walls referred to in this sub-section need extend only to the underside of the roof. All flooring in storage and handling areas shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in event of fire.

(d) Sulphur and finely divided metals, explosives and blasting agents shall not be stored in the same building with ammonium nitrate except when stored so as to be reasonably safe to persons and property. Evidence that sulphur and finely divided metals, explosives and blasting agents when stored with ammonium nitrate are in accordance with the applicable standard specified for this sub-section in Chapter 13 of this Code shall be evidence that such storage is reasonably safe to persons and property.

(e) Ammonium nitrate shall not be accepted for storage where the temperature of the product exceeds 130°F.

(f) Approved lightning protection shall be provided.

(g) Bagged Storage:

(1) Bagged ammonium nitrate exceeding 60 tons total weight shall be stored in a well-ventilated building of fire-resistive or noncombustible construction or in buildings of other types of construction equipped with an approved automatic sprinkler system.

(2) Quantities of 2500 tons or more shall be stored in well-ventilated buildings of fire-resistive or noncombustible construction equipped with an approved automatic sprinkler system.

(3) Sprinkler protection shall be required for the storage of less than 2500 tons of ammonium nitrate where the location of the storage building or industrial occupancy or the presence of other stored materials may present a special hazard.

(4) Each storage pile of bags or other authorized packages and containers of such materials shall not exceed 20 feet in width and 50 feet in length. The length is not limited if the building is of fire-resistive or noncombustible construction or sprinkler protected. For pile heights exceeding 15 feet, a hydraulically engineered sprinkler system shall be required. Such pile units shall be separated by a clear space of not less than 36 inches in width from the base to the top of the piles, serving as cross-aisles. At least one service or main aisle in the storage area shall be not less than 4 feet in width. A clearance of not less than 30 inches shall be maintained from building walls and partitions and of not less than 36 inches from ceilings or roof structural members with a minimum of 18 inches from sprinklers.

(5) Automatic sprinkler systems required by this section shall comply with NFPA Pamphlet No. 13.

(h) Bulk Storage:

(1) Bulk storage of various grades of ammonium nitrate, which are described in sub-section (a) of this section, shall be permitted only after due consideration has been given to location in regard to heavily populated and built up centers, including marine terminals and other waterfront facilities, and after specific approval by the Fire Chief.

(2) Ammonium nitrate shall be stored in an isolated location; when outdoors in covered open piles; or in bins in warehouses, away from incompatible materials, or in silo-type or other detached outdoor enclosed structures. Such storage facilities shall be well-ventilated.

(3) Height or depth of pile shall be limited by the pressure setting tendency of the product. The range of humidity and temperature changes, and the pellet quality of the product in the storage space shall be considered in determining the pressure setting tendency. Temperature cycles through 90°F. and high atmospheric humidity shall be considered undesirable for storage in depth. Pile height shall be at least 36 inches below ceilings or roof structural members with a minimum of 18 inches from sprinklers and shall be so sized and arranged that all material is moved out periodically.

(4) Galvanized iron, copper, lead and zinc shall not be used in bin structure unless suitably protected. Wooden bins or aluminum bins protected against impregnation by ammonium nitrate may be permitted. Bins and storage areas shall be clear and free of materials which may contaminate ammonium nitrate. Suitable provisions shall be made to prevent conveyor-system lubricants from dripping onto storage areas.

(5) If a facility in a permitted location provides a low hazard exposure through isolation, it may be considered acceptable without sprinkler protection when all other fire protection safeguards are met.

(6) Dynamite, other explosives and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(i) All electrical installations shall be reasonably safe to persons and property. Evidence that electrical installations have been installed in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such electrical installations are reasonably safe to persons and property. All electrical wiring and equipment shall be approved for the purpose and, where necessary, designed to minimize damage from corrosion by any means, including ammonium nitrate dust.

(j) Exposed ignition sources, such as open lights, flames, and smoking shall be prohibited at all storage and bulk handling facilities.

(k) All internal combustion motor vehicles, lift trucks, tractors, and other

specialized bulk-handling and cargo-conveying equipment shall not be permitted to remain overnight in a building where ammonium nitrate is stored, unless parked in an area approved exclusively for such parking purposes. All such vehicles shall be refueled in a safe outside location.

(l) All points of entry to commercial warehouses storing ammonium nitrate shall be identified with a prominently displayed, durable sign worded "Ammonium Nitrate," with letters at least 2 inches high in colors contrasting with the background, with a caution notice about open lights, flames, and smoking near such storage areas.

(m) Ammonium nitrate shall be stored so as to be reasonably safe to persons and property. Evidence that ammonium nitrate has been stored in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such ammonium nitrate storage is reasonably safe to persons and property.

(n) Housekeeping and maintenance in all warehousing or storage facilities and marine terminals shall be regularly conducted to provide reasonable safety to persons and property. Evidence that housekeeping and maintenance in marine terminals has been conducted in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such housekeeping and maintenance provide reasonable safety to persons and property.

"Section 7-772. HIGHLY TOXIC MATERIALS. (a) Highly toxic materials shall be segregated from other chemicals and combustible or flammable substances, and shall be stored in a room constructed in accordance with applicable requirements of the D. C. Building Code.

(b) Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used.

"Section 7-773. POISONOUS GASES. (a) Storage of poisonous gases shall be in rooms of at least one-hour fire-resistant construction and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.

(b) Legible warning signs stating the nature of hazard shall be placed in all entrances to locations where poisonous gases are stored or used.

"Section 7-774. CORROSIVE LIQUIDS. Satisfactory provisions shall be made for containing and neutralizing or safely flushing away leakage of corrosive liquids which may occur during storage or handling."

(Sections 7-775 to 7-780 reserved for future use)

ARTICLE 7-5

Section 7-782 - delete and insert:

"Section 7-782. DEFINITIONS OF TERMS USED IN THIS ARTICLE.

Fumigant shall mean and include any substance which by itself or in combination with any other substance emits or liberates a gas (or vapor) in sufficient concentration to be lethal to pest organisms, insects, fungi,

vermin, germs and rodents. The fumigant acts as a gas and shall be distinguished from insecticide or disinfectants which are dispersed as aerosols or particulate suspensions of liquids or solids in air. Examples of fumigants are: acrylonitrile, carbon bisulfide, ethylene dibromide, hydrogen cyanide, menthyl bromide and sulfuryl fluoride.

Fumigation shall mean the use of a fumigant, which may be hazardous or acutely toxic to man when used in an enclosed space for the destruction of plant of animal life.

Thermal insecticidal fogging shall mean the application of any insecticidal liquid by discharging through a thermal fog-generating unit, by means of heat, pressure and turbulence, in the form of an aerosol fog or mist that is blown into an area to be treated."

Section 7-783 - delete (b) and insert:

"(b) Use of Electricity Restricted. When utilizing flammable fumigants or flammable thermal insecticidal fogging liquids, electricity shall be shut off except circulating fans may be used provided such equipment does not create an ignition hazard. Electrical wiring and equipment shall be designed and installed so as to be reasonably safe to persons and property. Evidence that electrical wiring and equipment has been designed and installed in accordance with the applicable standard specified for this section in Chapter 13 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property."

Section 7-787 (NEW):

"Section 7-787. THERMAL INSECTICIDAL FOGGING. When conducting thermal insecticidal fogging indoors, not more than one gallon of insecticide shall be used for each 50,000 cubic feet of space. The fog shall not be blasted directly against any combustible object or material."

CHAPTER 8

ARTICLE 8-2

Section 7-825 (d) - line thirteen delete "1962".

(e) Line thirteen delete "1962".

(f) Use of portable electric lamp - make present paragraph (1) and add new (2) as follows:

"(2) Electric lamps outside of but within 20 feet of any spraying area and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from physical damage by suitable guards or by location."

Section 7-826 (g) - add new (4) as follows:

"(4) Where ducts are protected with an approved automatic sprinkler

system, properly maintained, the clearance from unprotected combustible construction or material may be reduced to 6 inches."

Section 7-827 - in heading add the words "or combustible" after the word "flammable"; in (a) add the words "or combustible" after the word "flammable"; in (g) add the words "or combustible" after the word "flammable" and in (h) add the words "or combustible" after the word "flammable".

Section 7-830 (d) (5) - delete "1962".

ARTICLE 8-3

Section 7-845 - add the words "or combustible" after the word "flammable" on second line and fourth line.

Section 7-846 (b) - in line ten delete "1962"; in (d) line fifteen delete "1962".

Section 7-848 (a) - add the words "or combustible" after the word "flammable". Under (b) add new (b) "Approved automatic dry chemical system."

Section 7-850 (d) - change the word "on" at end of fourth line to "an".

Section 7-851 - delete present (b) and insert:

"(b) Paint Supply. Paint shall be supplied by direct low pressure pumping arranged to automatically shut down by means of approved heat actuated devices, in case of fire, or by a gravity tank not exceeding 10 gallons in capacity."

ARTICLE 8-4

Section 7-871 - delete (a) and (b) and insert:

"Section 7-871. EQUIPMENT, TYPE AND LOCATION. (a) Types. Approved electrostatic equipment shall be used in connection with paint spraying operations.

(b) Location. Transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high voltage grids, electrostatic atomizing heads, the hand gun and their connections, shall be located outside of the spraying or vapor areas as defined in sections 7-822 and 7-841, or shall conform to sections 7-825 and 7-846."

Section 7-872 - (a) delete the words "or deteared" and insert the word "fixed" in front of "electrodes." (b) add the word "Fixed" in front of "electrostatic" and delete the word "apparatus" and insert "equipment" in place of word "apparatus". Add new section (c) as follows:

"(c) Hand Electrostatic Equipment. Hand electrostatic equipment shall be interlocked with the ventilation system for the spraying area so that the equipment cannot be operated unless the ventilating system is in operation."

Section 7-873 (a) - add the words "fixed electrostatic" in front of the word "equipment".

Add new Section 7-875 as follows:

"Section 7-875. VENTILATION. The spraying area shall be adequately ventilated so as to insure a safe condition from a fire and health standpoint."

In note, change "7-875" to "7-876".

CHAPTER 9

ARTICLE 9-1

Section 7-902 - make the present section "subsection (a)" and insert a new subsection (b) as follows:

"(b) Sale. No person shall sell, lease or otherwise dispose of any nitrate motion picture film to any person not having a permit to handle, use or display such film."

Section 7-905 (c) - after the word "cases" add "conforming to DOT regulations" and after "750 Pounds" add "(150 standard rolls),".

Section 7-906 (a) - after "375 pounds" add "(75 standard rolls)."

ARTICLE 9-2

Section 7-924 - (a) - add at end of sentence "except as otherwise permitted in this section." Insert in place of present (b) new subsection (b):

"(b) Display Space. Articles may be placed on tables but no table shall be over 3 feet wide and 10 feet long, and tables shall be spaced at least 3 feet apart. Where articles are displayed on counters, they shall be arranged in like manner."

Reletter present (b) (c) (d) to (c) (d) (e).

Section 7-925 - delete present (a) (b) and (c) and insert:

"(a) All raw cellulose nitrate plastic (pyroxylin) material in factory buildings shall be stored and handled in accordance with this section.

(b) In Excess of 25 Pounds. Where raw material in excess of 25 pounds is received in any building or fire area, an approved vented cabinet or vented and sprinklered vault shall be provided for the storage of the material.

(c) Not In Excess of 1,000 Pounds. Not more than 1,000 pounds of raw material may be stored in cabinets in any one workroom, but not more than 500 pounds in any one cabinet, nor more than 250 pounds in one compartment.

(d) In Excess of 1,000 Pounds. All raw material in excess of that permitted above shall be kept in vented vaults not exceeding 1,500 cubic feet capacity and with one automatic sprinkler head to each 125 cubic feet of total vault space and with construction and venting in conformity with the requirements prescribed in section 7-907 and satisfactory to the Fire Chief.

(e) Cellulose Nitrate Plastics. No cellulose nitrate plastics (pyroxylin) shall be stored within 2 feet of any heat producing appliances, steam pipes, radiators or chimneys.

(f) Accumulation, prevention of. In factories manufacturing articles of cellulose nitrate plastics (pyroxylin) such sprinklered and vented cabinets, vaults or storage rooms, approved by the Fire Chief, shall be provided as may be necessary to prevent the accumulation in work rooms, of raw stock, stock in process or finished articles.

(g) Operators Distance - Limitation of Supply. In the work rooms of cellulose nitrate plastic (pyroxylin) factories, operators shall not be stationed closer together than 3 feet, and the amount of material per operator shall not exceed one-half day's supply and shall be limited to the capacity of three tote-boxes including materials awaiting removal or use.

(h) Storage of Waste Materials. All waste cellulose nitrate plastic (pyroxylin) materials such as shaving, chips, turning, sawdust, edgings and trimmings shall be kept under water in metal receptacles until removed from the premises."

ARTICLE 9-3

Section 7-943 (a) - delete and add:

"(a) Loose Combustible Fibers. Loose combustible fibers (not in suitable bales or packages), whether housed or in the open, shall not be stored within 100 feet of any building except as hereinafter specified."

ARTICLE 9-4

Section 7-953 - delete "Article 23 of the National Board of Fire Underwriters' Fire Prevention Code (1960 Edition)" and insert in its place "National Fire Protection Association Pamphlet No. 48."

CHAPTER 10

ARTICLE 10-1

Section 7-10:05 - designate present section as (a) and add new (b) as follows:

"(b) Specific requirements. No wholesale license shall be issued except on condition that the applicant agrees to maintain, and does in fact maintain for the period of the license issued to him, a depot or warehouse in the District in which all fireworks shall be kept for inspection by the Fire Chief prior to shipment to any retail licensee, for a period of at least 24 hours during the period from June 20 to July 5, inclusive, and for a period of at least three business days at all other times. Each wholesale licensee shall notify the Fire Chief of each shipment of fireworks received or deposited by him at such warehouse or depot. Such notice shall be furnished to the Fire Chief not less than three business days prior to the date on which such fireworks are delivered to any retail licensee."

Section 7-10:06 - change "Director" to "Chief, Bureau of".

Section 7-10:07 - line 4 change "Commissioners" to "Director of Public Safety"; line 26 delete "(1961 ed.)"; lines 39 and 47, change "Commissioners" to "Director of Public Safety"; and in line 41 change "them" to "him".

Section 7-10:08 (a) - change "Director of the D. C. Department of Licenses and Inspections" to "Chief of the D. C. Bureau of Licenses and Inspections".

Section 7-10:08 - add new (d):

"(d) Discharge restriction. It shall be unlawful to discharge fireworks within 50 feet of a place where fireworks are stored, handled, or sold."

Section 7-10:10 (a) (2) change the comma to a period after the word "agent" in the 5th line and delete the rest of (a) (2). Section 7-10:10 (b) (2) delete the word "wooden" in 15th line and in (b) (3) delete the word "Wooden" and capitalize next word.

ARTICLE 10-2

Section 7-10:21 - change "Interstate Commerce Commission" to "Department of Transportation" and "Sections 73.53, 73.88 and 73.100" to Sections 173.53, 173.88 and 173.100".

Section 7-10:22 (d) delete the following: "Explosives not listed under Section 72.5, Code of Federal Regulations, Title 49 (CFR) of the Interstate Commerce Commission Regulations.

Explosives not packed or marked in accordance with the requirements of Section 72.5, Code of Federal Regulations, Title 49 (CFR) of the Interstate Commerce Commission Regulations."

Insert in lieu of the foregoing the following: "Explosives not listed, packed, or marked in accordance with the requirements of Section 172.5, Title 49 of the Code of Federal Regulations."

Section 7-10:30 (d) - delete "I.C.C. containers as set forth in Sections 73.58, 73.59 and 73.60" and insert "DOT containers as set forth in Sections 173.58, 173.59 and 173.60."

ARTICLE 10-3

Section 7-10:42 - insert the word "plastics" after the word "sugar" in seventh line.

CHAPTER 11

ARTICLE 11-1

Section 7-11:03 - fifth line change "Commissioners" to "Director of Public Safety."

Section 7-11:04 - last line of last paragraph change "7-402 ante" to "7-403 ante."

CHAPTER 12

ARTICLE 12-2

Section 7-12:15 - third line after "flammable" insert "or combustible".

Section 7-12:18 - second line after "flammable" insert "or combustible".

ARTICLE 12-3

Section 7-12:32. Renumber as section 7-12:33, renumber the following sections accordingly, and insert the following new section 7-12:32:

"Section 7-12:32. PERMIT REQUIRED. A permit shall be obtained to conduct or maintain any automobile wrecking yard, junk or waste material handling plant."

End of article "(7-12:43 to 7-12:50 reserved for future use.)"

ARTICLE 12-4

Section 7-12:52 - sixth line after "flammable" insert "or combustible".

ARTICLE 12-5

Section 7-12:63 (d) - delete "conforming with I.C.C. requirements, Part 73, Sec. 73.308 of the Code of Federal Regulations (CFR) and".

ARTICLE 12-6

Section 7-12:84 - delete words "or in airplane hangers" and delete "January 1964".

ARTICLE 12-7

Correct Article number from 6 to 7 - "ARTICLE 12-7. LUMBER YARDS AND WOOD-WORKING PLANTS".

Section 7-12:92 - add new subsection (c) as follows:

"(c) Permanent lumber storage, operating under a permit, shall be surrounded with a suitable fence at least 6 feet high, unless storage is within a building."

Section 7-12:93 (a) - amend to read as follows: "(a) Open Burning Prohibited. The Burning of shavings, sawdust and refuse lumber shall not be permitted."

ARTICLE 12-8

Change heading to read "ARTICLE 12-8. OVENS AND FURNACES".

Section 7-12:101 - delete present section and add as follows:

"Section 7-12:101. SCOPE. This Article shall apply to the location, design, construction and operation of industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 700°F. which are heated with oil or gas fuel or which during operation contain flammable vapors from the products being processed. It is the intent of this Article to provide for the operation of these ovens and furnaces within certain limitations of control depending on oven or furnace design, flammable formulations and ventilation needs, the disregard of which may cause them to function in an unsafe manner, thereby becoming liable to destruction by fire or explosion."

Section 7-12:102 - renumber present section as 7-12:103 and the remaining sections accordingly and insert a new section 7-12:102 as follows:

"Section 7-12:102. DEFINITION. Catalytic combustion system shall mean an oven heater of any construction that employs catalysts to accelerate oxidization or combustion of fuel-air or fume-air mixtures for eventual release of heat to an oven process."

Renumber sections to end of article.

Section 7-12:104 (present) (will be 7-12:105 when renumbered) - delete entire section and add new section:

"Section 7-12:105. DUCTS. Ducts shall be installed in accordance with applicable provisions of D. C. Building Code."

CHAPTER 13

LIST OF STANDARDS AND PUBLICATIONS

Compliance with the standards or publications listed in this Chapter shall be evidence of compliance with the requirements of this Code.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

AIA American Insurance Association
85 John Street, New York, N. Y. 10038
222 West Adams Street, Chicago, Ill. 60606
465 California Street, San Francisco, Calif. 94104

API American Petroleum Institute
1271 Avenue of the Americas, New York, N. Y. 10020

ASA American Standards Association
10 East 40th Street, New York, N. Y. 10016

ASME American Society of Mechanical Engineers
345 East 47th Street, New York, N. Y. 10017

ASTM American Society for Testing Materials
1916 Race Street, Philadephia, Pa. 19103

CGA Compressed Gas Association, Inc.
500 Fifth Avenue, New York, N. Y. 10036

MCA Manufacturing Chemists' Association
1825 Connecticut Avenue, N. W., Washington, D. C. 20009

NFPA National Fire Protection Association
60 Batterymarch Street, Boston, Mass. 02110

NPFI National Plant Food Institute
1700 K Street, N. W., Washington, D. C. 20006

SD Superintendent of Documents
U. S. Government Printing Office, Washington, D. C. 20025

U.L., Inc. Underwriters' Laboratories, Inc.
207 East Ohio Street, Chicago, Ill. 60611
2550 Dundee Road, Box 247, Northbrook, Ill. 60062
Walt Whitman Road, Melville, Long Island, N. Y. 11749
1655 Scott Blvd., Santa Clara, Calif. 95050

USBM United States Bureau of Mines
4800 Forbes Avenue, Pittsburgh, Pa. 15213

Title 10, Code of Federal Regulations, Part 30, Licensing of By-Product Material-Radioisotope Distribution, 1964 edition. Part 70, Special Nuclear Materials, 1964 edition. Copies available from Superintendent of Documents.

Title 49, Code of Federal Regulations, Parts 171 through 178, Department of Transportation Regulations, 1968 edition. Copies available from the Superintendent of Documents.

AIA Code for the Installation of Heat Producing Appliances, 1964 edition.

API Standard No. 12A, Specification for Oil Storage Tanks with Riveted Shells, 1951 edition.

API Standard No. 12B, Specification for Bolted Production Tanks, 1958 edition. Tanks built in accordance with this standard shall be used only as production tanks for crude oil storage in oil producing areas.

API Standard No. 12D, Specification for Large Welded Production Tanks, 1957 edition. Tanks built in accordance with this standard shall be used only as production tanks for crude oil storage in oil producing areas.

API Standard No. 12F, Specification for Small Welded Production Tanks, 1961 edition. Tanks built in accordance with this standard shall be used only as production tanks for crude oil storage in oil producing areas.

API Standard No. 620, Recommended Rules for the Design and Construction of Large, Welded Low Pressure Storage Tanks, 1963 edition.

API Standard No. 650, Welded Steel Tanks for Oil Storage, 1964 edition.

API RP2000, Guide for Tank Venting, 1965 edition.

API Standard 2510, Design and Construction of Liquefied Petroleum Gas Installations at Marine and Pipeline Terminals, Natural Gasoline Plants, Refineries, and Tank Farms, 1957 edition.

ASA B31.1, Section 3 of the American Standard Code for Pressure Piping, 1955 edition with 1963 addenda.

ASA B31.3, Petroleum Refinery Piping, 1962 edition with 1963 addenda.

ASA B31.4, Oil Transportation Piping, 1959 edition with 1963 addenda.

ASA K 61.1, Standard for the Storage and Handling of Anhydrous Ammonia, 1960 edition.

ASA N2.1, Radiation Symbol, 1960 edition.

ASA Z48.1, Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, 1954 edition.

ASA Z49.1, Safety in Welding and Cutting, 1958 edition.

ASME, Code for Unfired Pressure Vessels, 1962 edition.

ASME, Code for Power Boilers, 1962 edition.

ASTM-B88, Standard Specification for Seamless Copper Water Tube, 1962 edition.

ASTM D-86, Standard Method of Test for Distillation of Petroleum Products, 1962 edition.

Except for fuel oils and certain viscous materials, the flash point of a liquid having a flash point at or below 175°F. shall be determined in accordance with the applicable provisions of ASTM D-56, Standard Method of Test for Flash Point by the Tag Closed Tester, 1961 edition.

Except for fuel oils, the flash point of liquids having a flash point above 175°F. shall be determined in accordance with the applicable provisions of ASTM D-92, Standard Method of Test for Flash Point by the Cleveland Open Cup Tester, 1957 edition.

The flash point of fuel oils and certain viscous materials having a flash point at or below 175°F. shall be determined in accordance with the applicable provisions of ASTM D-93, Standard Method of Test for Flash Point by the Pensky-Martens Closed Tester, 1962 edition.

ASTM D323, Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method), 1958 edition.

ASTM D-396, Specifications for Fuel Oils, 1963 edition.

CGA-EMA Specification for Rubber Welding Hose, 1958 edition.

NFPA No. 10, Standard for Portable Fire Extinguishers, 1969 edition.

NFPA No. 11, Standard for Foam Extinguishing Systems, 1969 edition

NFPA No. 13, Standard for Installation of Sprinkler Systems, 1969 edition.

NFPA No. 14, Standard for the Installation of Standpipe and Hose Systems, 1969 edition.

NFPA No. 15, Standard for Water Spray Systems for Fire Protection, 1969 edition.

NFPA No. 30, Flammable and Combustible Liquids Code, 1969 edition.

NFPA No. 31, Standard for Oil Burning Equipment, 1969 edition.

NFPA No. 40, Standard for Cellulose Nitrate Motion Picture Film, 1967 edition.

NFPA No. 51, Oxygen-Fuel Gas Systems for Welding and Cutting, 1969 edition.

NFPA No. 54, Standard for Gas Appliances and Gas Piping, 1969 edition.

NFPA No. 56, Standard for Flammable Anesthetics, 1968 edition.

NFPA No. 58, Standard for Liquefied Petroleum Gases, Division III, 1969 edition.

NFPA No. 59, Liquefied Petroleum Gases at Utility Gas Plants, 1968 edition.

NFPA No. 60, Standard for Pulverized-Fuel Systems, 1961 edition.

NFPA No. 61A, Standard for Starch Factories, 1962 edition.

NFPA No. 61B, Standard for Terminal Grain Elevators, 1959 edition.

NFPA No. 61C, Standard for Flour and Feed Mills, 1962 edition.

NFPA No. 62 Standard for Pulverizing Sugar and Cocoa, 1967 edition.

NFPA No. 63, Principles for Prevention of Dust Explosions in Industrial Plants, 1964 edition.

NFPA No. 64, Standards for Country Grain Elevators, 1959 edition.

NFPA No. 65, Code for Processing and Finishing of Aluminum, 1963 edition.

NFPA No. 70, National Electrical Code, 1968 edition.

NFPA No. 77, Static Electricity, 1966 edition.

NFPA No. 80, Standard for Fire Doors and Windows, 1968 edition.

NFPA No. 86A, Standard for Ovens and Furnaces, 1969 edition.

NFPA No. 91, Standard for Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying, 1961 edition.

NFPA No. 102, ASA Z20.3, Places of Outdoor Assembly, Grandstand and Tents, 1967 edition.

NFPA No. 307, Operation of Marine Terminals, 1967 edition.

NFPA No. 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1966 edition.

NFPA No. 490, Code for the Storage of Ammonium Nitrate, 1969 edition.

NFPA No. 494-L, Model State Fireworks Law, 1964 edition.

NFPA No. 495, Code for the Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents, 1969 edition.

NFPA No. 512, Good Practice for Truck Fire Protection, 1955 edition.

NFPA No. 565, Standard for Nonflammable Medical Gas Systems, 1967 edition.

NFPA No. 566, Standard for Bulk Oxygen Systems at Consumer Sites, 1965 edition.

NFPA No. 567, Standard for Gaseous Hydrogen Systems at Consumer Sites, 1963 edition.

NFPA No. 651, Dust Explosion Prevention - Aluminum Powder, 1967 edition.

NFPA No. 652, Dust Explosion Prevention - Magnesium Powder, 1968 edition.

NFPA No. 653, Standard for Coal Preparation Plants, 1959 edition.

NFPA No. 654, Code for the Plastics Industry, 1963 edition.

NFPA No. 655, Standard for the Prevention of Sulphur Fires and Explosions, 1968 edition.

NFPA No. 656, Code for Spice Grinding Plants, 1959 edition.

NFPA No. 657, Code for Confectionery Manufacturing Plants, 1967 edition.

NFPA No. 664, Code of Woodworking Plants, 1962 edition.

NFPA (no number), Definition and Test Procedures for Ammonium Nitrate Fertilizer, 1961 edition.

U.L. Inc. Subject No. 58, Standard for Underground Tanks, 1961 edition.

U.L. Inc. Subject No. 80, Standard for Inside Tanks for Oil Burner Fuel, 1963 edition.

U.L. Inc. Subject No. 142, Standard for Aboveground Tanks for Flammable Liquids, 1963 edition.

U.L. Inc. Gas and Oil Equipment List listing containers, tanks, equipment and apparatus, 1964 edition.

USBM - IC 8179, Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents, 1963 edition.

INDEX CHANGES

On page 88 under FLAMMABLE LIQUIDS insert in alphabetical order "Tanks and containers ------- 7-408".

On page 91 under WELDING OR CUTTING, CALCIUM CARBIDE AND ACETYLENE GENERATORS insert the following in alphabetical order:

"Definitions ---------- 7-702
Compliance with nationally recognized good practice ---------- 7-703
Fire control ---------- 7-704
Permit required for cylinder storage ---------- 7-705
Storage of cylinders or containers ---------- 7-706
Manifolding of cylinders ---------- 7-707
Protective equipment ---------- 7-709
Service piping systems for fuel gases and oxygen ---------- 7-708
Station outlet protective equipment ---------- 7-710
Hose and hose connections ---------- 7-711
Pressure reducing regulators ---------- 7-712
Permit required for acetylene generators ------- 7-713
Acetylene generators ---------- 7-714
Outside generator houses and inside generator rooms for stationary acetylene generators ---------- 7-715
Permit required for storage of calcium carbide ---------- 7-716
Containers of calcium carbide ---------- 7-717
Storage of calcium carbide in buildings -------- 7-718
Electric arc welding and cutting ---------- 7-719"

Insert in alphabetical order on page 85, under COMPRESSED GASES the following:

"Anhydrous ammonia ---------- 7-738
Gaseous hydrogen systems at consumer sites ----- 7-739"

On page 89 under LIQUEFIED PETROLEUM (L-P) GASES; change "Permit required ---------- 7-752" to "Permit required --------- 7-753", also add in alphabetical order: "Definitions -------- 7-752".

On page 89, under HAZARDOUS CHEMICALS, delete "Potentially explosive chemicals, storage of --------- 7-768" and insert under this same heading in alphabetical order: "Unstable (Reactive) chemicals --------- 7-768"; also delete "Toxic materials, highly, storage of ---------- 7-769" and insert in alphabetical order the following:

"Organic peroxides ---------- 7-769
Nitromethane ---------- 7-770
Ammonium nitrate ---------- 7-771
Highly toxic material ---------- 7-772
Poisonous gases ---------- 7-773
Corrosive liquids ---------- 7-774"

On page 89, under FUMIGATION AND THERMAL INSECTICIDAL FOGGING add in alphabetical order "Thermal insecticidal fogging ---------- 7-787".

On page 87, under FLAMMABLE FINISHES, APPLICATION OF, "Electrostatic apparatus controls --------- 7-872" add in alphabetical order "Ventilation ------- 7-875".

On page 85, under AUTOMOBILE WRECKING YARDS, ETC. re-number "Junk defined" to read "7-12:33"; also, insert in alphabetical order, "Permit required ---------- 7-12:32"; also change subsequent section numbers "33 thru 41" as required.

On page 90, under PRECAUTIONS AGAINST FIRE, GENERALLY, add in alphabetical order, "Floats ---------- 7-143"; also, "Open burning ---------- 7-144".

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

TO: Walter E. Washington
Mayor-Commissioner

Department, Corporation Counsel,D.C.
Agency, Office: L&O:TFM:gkm

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D. C.

Date: October 30, 1969

SUBJECT: Regulation No. 69-48, relating to base and roof anchorages.

Regulation No. 69-48, enacted by the District of Columbia Council on October 21, 1969, has been referred to this office for review. The regulation, enacted by the Council pursuant to the authority contained in the Act of June 14, 1878 (D. C. Code, sec. 1-228) and section 402(5) of Reorganization Plan No. 3 of 1967, conforms requirements of the D. C. Building Code relating to base and roof anchorages to requirements in national model building codes.

The Council has incorporated in the Regulation a technical amendment recommended by this Office in my memorandum to the Secretary to the Council dated September 30, 1969. I accordingly recommend approval of Regulation No. 69-48.

Attachment

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date August 13, 1969

Subject Building Code Amendment on Base and Roof Anchorages

This amendment was approved by the D. C. Building Code Advisory Committee and has been recommended for Council approval by Julian R. Dugas, Director of the Department of Economic Development, and Deputy Mayor Thomas W. Fletcher. The amendment would change the present Code requirements for base and roof anchorages to bring the Code more closely into line with the requirements recommended in National Model Building Codes. I recommend that the Council approve this amendment.

6-E-1

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date August 13, 1969

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This amendment was approved by the D. C. Building Code Advisory Committee and has been recommended for Council approval by Julian R. Dugas, Director of the Department of Economic Development, and Deputy Mayor Thomas W. Fletcher. The amendment would change the present Code requirements for base and roof anchorages to bring the Code more closely into line with the requirements recommended in National Model Building Codes. I recommend that the Council approve this amendment.

4-B-1

D.C.-44
May 1967

Memorandum ⊙ Government of the District of Columbia

TO: Stephen C. Swaim
Secretary to the District
of Columbia Council

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TFM:gcl

FROM: Hubert B. Pair HBP
Acting Corporation Counsel, D. C.

Date: September 30, 1969

SUBJECT: Proposed amendment to section 3-832 of the Building Code of the District of Columbia, relating to base and roof anchorages.

By memorandum dated September 19, 1969, you referred to me for comment a proposed regulation amending section 3-832 of the Building Code of the District of Columbia, such amendment relating to base and roof anchorages.

I have reviewed this regulation and find it to be legally unobjectionable, except that in section 1, immediately preceding the first reference to section 3-832 of the Building Code, I note that "Delete" has obviously been inadvertently omitted. The section should therefore begin as follows:

"Section 1. Delete section 3-832". . . .

Attachment

Regulation No. 69-49

Enactment Date

Regulation

of the

District of Columbia

TITLE Authorizing the Department of Public Welfare to Provide Aid to Dependent Children in the Form of Foster Care Under Title IV, Part A, of the Social Security Act

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Section 408 of the Social Security Act as amended (42 U.S.C. 608) provides for Federal payments for foster home care of dependent children under the conditions specified therein; and

WHEREAS, Section 403(a) (1) (B) of the Social Security Act as amended (42 U.S.C. 603) specifies the basis for claiming Federal financial participation for aid to families with dependent children in the form of foster care; and

WHEREAS, the Department of Health, Education, and Welfare, Social Rehabilitation Service Program Regulation 20-6, dated January 28, 1969, and codified as Section 233.110 of Chapter II of Title 45 of the Code of Federal Regulations, states under "Requirements for State Plans" that effective July 1, 1969, a State Plan for AFDC must provide for aid to dependent children in the form of foster care for children specified in Section 408 of the Social Security Act; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter Washington 10-31-69
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare shall, effective July 1, 1969, provide aid to dependent children in the form of foster care when removal of a child from the home of a parent or relative results from a judicial determination that continuation in such home is contrary to the child's welfare, provided:

(a) the child received AFDC in or for the month in which court proceedings leading to such a determination were initiated; or

(b) the child was living with a relative within six months prior to the month such proceedings were initiated and would have received such aid had application been made in his behalf.

Section 2. Foster care shall be provided in a foster family home or in a child-care institution, whichever best meets the needs of the individual child. The Department of Public Welfare, in providing such care may use foster family homes and child-care institutions outside the District of Columbia provided such homes and institutions are licensed by the State in which they are located or are approved to meet the standards established by the State for such foster family homes or institutions.

Section 3. The Department shall:

(a) review the plan for each child periodically, but no less frequently than once each year, to assure that he receives proper care and to determine the appropriateness and continued need for placement, and

(b) provide services which are designed to improve conditions in the home from which the child was removed and effect his return, or otherwise to make possible his being placed in the home of a relative as specified in the Social Security Act.

Section 4. The Department shall claim Federal financial participation for foster care payments to the full extent permissible under the provisions of the Social Security Act.

Section 5. The effective date of this regulation shall be retroactive to July 1, 1969.

.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:WAR:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair H.B.P.
Acting Corporation Counsel, D. C.

Date: October 29, 1969

SUBJECT: Regulation authorizing the Department of Public Welfare to provide aid to dependent children in the form of foster home care under Title IV, Part A, of the Social Security Act.

Regulation No. 69-49, adopted by the District of Columbia Council on October 21, 1969, directs the Department of Public Welfare to provide aid to certain dependent children in the type of foster home care program as is described under Part A of Title IV of the Social Security Act. Section 408(a) of the Social Security Act includes within the definition of the term "dependent child" a child who is removed from the home of a parent or other relative as the result of a judicial determination that continuation in such home would be contrary to the welfare of the child, and who is subsequently placed in a foster family home or a private child-care institution. The Social Security Amendments of 1967 liberalized provisions for Federal financial participation in payments for the foster home care of such dependent children as are defined by section 408(a) of the Act, and made the institution of such a program mandatory upon the States beginning July 1, 1969.

The District Government has proposed legislation to the Congress to authorize establishment of the type of program of foster home care set out in the attached regulation. A bill, S. 3010, introduced in the United States Senate on October 9, 1969, provides authority, under section 202 thereof, for the institution of the foster home care program required by the Social Security Act.

I am of the opinion, however, that the Council pursuant to paragraph 83 of section 403 of Reorganization Plan No. 3 of 1967 which authorizes approval of rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and the Commissioner under his general powers to administer the provisions of such Act, including a program of aid to families with dependent children, have authority to institute and maintain a program of providing foster home care to the dependent children involved without securing additional enabling legislation from the Congress.

In view of the Federal financing available for foster home care and of the mandatory requirement that such care be provided as a part of the AFDC program as of July 1, 1969, I recommend your approval of the attached regulation.

Attachment

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

THOMAS W. FLETCHER
Deputy Mayor - Commissioner

AUG 21 1969

MEMORANDUM TO: District of Columbia Council

SUBJECT: Proposed regulation authorizing the Department of Public Welfare to provide aid to families with dependent children in the form of foster care

The Social Security Act as amended provides for Federal payments for foster home care of dependent children in certain situations when they have been removed from their homes as a result of a judicial determination that remaining in the home would be contrary to the welfare of the children.

It is mandatory, according to the Department of Health, Education, and Welfare regulations, for all States to provide such care effective July 1, 1969.

Since the provisions of the law include not only children who were receiving AFDC at the time court action was initiated to remove children from their home, but also children who would have been eligible for such aid if application had been made in their behalf, Federal financial participation in foster care payments up to $100 a month will be of substantial benefit to the District.

The Department of Public Welfare, therefore, requests prompt approval of the proposed regulation so that necessary steps can be taken for its implementation.

Thomas W. Fletcher
Deputy Mayor-Commissioner

Attachment
Proposed regulation

4-G

Regulation No. 69-50

Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION TO REVISE POLICY CONCERNING THE RETENTION OF A CASH RESERVE BY PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Department of Health, Education, and Welfare in Program Regulation 20-7, concerning need and amount of assistance, specifies that "...the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of two thousand dollars;" and

WHEREAS, the Department of Public Welfare has found the policy established by Commissioners' Order No.62-17, concerning cash available to recipients, to be inequitable; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare, in determining the need for public assistance, shall permit public assistance applicants or recipients to retain a cash reserve not to exceed

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____ Secretary of the City Council

P-251

Certified copies are available.

$300 for an individual (Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, General Public Assistance),

$500 for a couple, whether or not each is eligible in his own right to receive assistance,

$500 for a family receiving Aid to Families with Dependent Children.

Section 2. Monies saved from the monthly public assistance payment to be applied to the purchase of an article essential for personal or household maintenance shall not be considered as a part of the permissible cash reserve.

Section 3. This regulation rescinds that portion of Commissioners' Order No. 62-17, dated January 4, 1962, titled, "Cash Available to Applicants."

Section 4. This regulation shall become effective upon passage.

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

THOMAS W. FLETCHER
Deputy Mayor - Commissioner

AUG 21 1969

MEMORANDUM TO: District of Columbia Council

SUBJECT: Proposed regulation to revise policy concerning retention of a cash reserve by public assistance applicants and recipients

The Department of Public Welfare is now operating under a policy, established by Commissioners' Order in 1962, which permits an individual applying for or receiving public assistance to retain cash "not to exceed twice the amount of basic requirements for one month."

While practically all States have policies which permit the retention of liquid assets, the policy in the District of Columbia appears to be unique in that the amount that can be retained is based on a variable rather than a specific dollar amount.

In applying the policy, the Department has found that it is difficult for clients and other interested persons to understand, and that it results in inequity. For example, three persons, all receiving Old Age Assistance, would each have a different base for computing the amount of cash reserve he could retain if they had different living arrangements.

The attached proposed regulation will establish specific amounts that may be retained under each of the income maintenance programs.

Thomas W. Fletcher
Deputy Mayor-Commissioner

Attachment
Proposed regulation

4-H

G.C.-44
May 1967

Memorandum • Government of the District of Columbia

Department, Corporation Counsel, D.C
Agency, Office: L&O:WAR:gkm

TO: Walter E. Washington
Mayor-Commissioner

Date: October 29, 1969

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

SUBJECT: Regulation to revise policy concerning the retention of a cash reserve by public assistance applicants and recipients.

Regulation No. 69-50, adopted by the District of Columbia Council on October 22, 1969, establishes specific dollar amounts ($300 for an individual and $500 for a couple or family receiving aid to families with dependent children) as the maximum sums which the Department of Public Welfare may permit applicants for and recipients of public assistance to accumulate and retain as a cash reserve. These cash reserves or savings are not treated as assets available to meet current living expenses of the recipients or of his family. The revised standards supersede policies established by the Board of Commissioners on January 4, 1962, which limit the accumulation of a cash reserve to a sum which is not in excess of twice the amount of the recipient's basic requirements for one month.

The amounts established as permissible cash reserves by Regulation No. 69-50 are within the limitations permitted under Federal standards. I have no legal objections to the attached regulation, and recommend your approval thereof.

Attachment

Regulation No. 69-51

Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION TO AMEND REGULATION NO. 69-19 RELATING TO THE PAYMENT OF MOVING COSTS TO RECIPIENTS OF PUBLIC ASSISTANCE OBTAINING PUBLIC HOUSING

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, Regulation No. 69-19 authorizes the Department of Public Welfare to pay moving costs when necessary to enable a public assistance recipient to move into public housing; and

WHEREAS, the District of Columbia Council believes that payment of moving costs should be authorized also when recipients of public assistance are required to move or will benefit from moving into private housing; and

WHEREAS, Order of the Commissioner No. 69-263, effective June 1, 1969, consolidated the Crisis Assistance and Family Emergency Services programs into a program of Emergency Assistance Service, thus making obsolete the provisions of Section 3 of Regulation No. 69-19; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 1 of Regulation No. 69-19 is amended to read as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 7, 1969

Adopted on second and final reading October 21, 1969

Presented to the Mayor-Commissioner October 22, 1969 (Date) Stephen C. Swain (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 10-31-69 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

____ Secretary of the City Council

P-251

Certified copies are available.

"Section 1. The Director of Public Welfare is authorized to pay moving costs when necessary to enable a recipient of public assistance to move into public or private housing."

Section 2. Section 3 of such Regulation is hereby repealed.

Section 3. The amendments made by this regulation shall become effective upon passage.

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:WAR:gkm

TO: Walter E. Washington
Mayor-Commissioner

FROM: Hubert B. Pair
Acting Corporation Counsel, D. C.

Date: October 29, 1969

SUBJECT: Regulation to amend Regulation No. 69-19 relating to the payment of moving costs to recipients of public assistance obtaining public housing.

Regulation No. 69-51, adopted by the District of Columbia Council on October 22, 1969, authorizes the Director of Public Welfare to pay the moving costs of public assistance recipients who obtain private housing facilities. Regulation No. 69-19, adopted by the Council and approved by the Commissioner on April 19, 1969, which is amended by section 1 of the attached regulation, authorizes the Department of Public Welfare to pay the necessary costs of moving for recipients who move into public housing.

Section 2 of Regulation No. 69-51 repeals section 3 of Regulation No. 69-19. Such section 3 was made obsolete by the consolidation of the Crisis Assistance and Family Emergency Services programs into a program of Emergency Assistance Service by Order of the Commissioner No. 69-263, effective June 1, 1969.

I have no legal objections to Regulation No. 69-51, and recommend your approval thereof.

Attachment

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

THOMAS W. FLETCHER
Deputy Mayor - Commissioner

AUG 29 1969

MEMORANDUM TO: District of Columbia Council

SUBJECT: Proposed regulation to amend Regulation No. 69-19 which will authorize the Department of Public Welfare to pay moving costs for public assistance recipients when they are moving into either public or private housing

Regulation No. 69-19, approved April 9, 1969, authorizes the Department of Public Welfare to pay moving costs to enable public assistance recipients to obtain public housing.

To provide more equitable treatment to all public assistance recipients who are faced with the problem of moving costs, an amendment is requested to include recipients who move into private housing.

The Department of Public Welfare estimates that the cost will be approximately $180,000 annually for recipients moving into private housing. The estimated total annual cost for both public and private moving cost is $210,000.

Thomas W. Fletcher
Deputy Mayor-Commissioner

Attachment
Proposed regulation

4-I

Memorandum ○ Government of the District of Columbia

TO: HUBERT B. PAIR
Acting Corporation Counsel, D.C.

Department, Corporation Counsel, D.C.
Agency, Office: L&O:WAR:bdh

FROM: WILLIAM A. ROBINSON WAR
Assistant Corporation Counsel

Date: August 8, 1969

SUBJECT: Proposed regulation to amend Regulation No. 69-19 relating to the payment of moving costs to recipients of public assistance obtaining public housing.

Regulation No. 69-19, approved April 19, 1969, authorizes the Department of Public Welfare to pay the cost of moving for recipients of public assistance who move into public housing. The attached proposed regulation amends Regulation No. 69-19 to authorize the Director of Public Welfare to pay also the costs of moving for recipients who obtain private housing facilities. It is estimated by the Department that the costs of moving persons and families into private housing will approximate $180,000 a year, and that the total costs of moving into public and private housing will approximate $210,000 annually.

The proposed regulation was revised in accordance with your memorandum to the Director of Public Welfare dated July 18, 1969. The regulation, as revised, is legally unobjectionable, and I recommend your approval as to form and legality for transmittal to the Deputy Mayor's office.

Attachment

W-8

4-I

Regulation No. 69-53

December 24, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION OF THE DISTRICT OF COLUMBIA TO ASSURE ORDER AND DECORUM IN THE CONDUCT OF OFFICIAL BUSINESS

Chairman Gilbert Hahn, Jr. Presents the following regulation:

WHEREAS, it is necessary that an atmosphere of order and decorum be maintained in the conduct of the affairs of government; and

WHEREAS, the views of citizens and their representatives must be received and considered in such manner as to assure orderliness and fairness; and

WHEREAS, it is the intent of the Council that official business of the Council, and of the District of Columbia Government as a whole, be free of disruption and disorder.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. No person or group of persons shall wilfully and knowingly:

(a) utter loud, threatening, or abusive language, or engage in any disorderly or disruptive conduct within any building or part of any building owned or under the control of the District of Columbia with the intent to impede, disrupt, or disturb the orderly conduct of any meeting, hearing, or other proceeding of the District of Columbia Council, or of any committee or subcommittee thereof, or the orderly conduct of official business of any officer, employee, or agency of the District of Columbia Government; or

(b) enter or remain in, during the course of any meeting, hearing, or other proceeding of the District of Columbia Council or any committee or subcommittee

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE				X		YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 21, 1969.

Adopted on second and final reading ~~December 16, 1969~~

Presented to the Mayor-Commissioner ~~December 17,~~ 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter E. Washington
Mayor-Commissioner December 24, 1969
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____ _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

thereof, any area set aside for use by persons other than the general public except in accordance with the rules of the Council.

Section 2. Any violation of this regulation shall be punishable by imprisonment for not more than ten days or a fine not to exceed $300.

Section 3. This regulation shall take effect immediately upon enactment.

Gilbert Hahn, Chairman
District of Columbia Council

OCT 1 7 1969

Thomas W. Fletcher
Deputy Mayor

Proposed regulation governing order and decorum during proceedings before the City Council and agencies of the District Government.

The Acting Corporation Counsel has prepared, pursuant to your request, a proposed regulation governing order and decorum on the part of the public at Council meetings and during the conduct of official business by other District Government agencies.

The attached draft regulation would make it unlawful:

(1) to engage in any disorderly language or conduct or any disruptive behavior with the intent to disrupt the orderly functions of the Council or official business of the District Government as a whole;

(2) to enter or remain, during Council proceedings, in areas set aside for special use, such as for witnesses and the press, except in accordance with rules of the Council; and

(3) to enter or remain in any such special areas during the conduct of official business by District officials or agencies except in accordance with rulings of such officials or agencies.

The regulation is designed to make it unlawful for improper conduct which would bring a halt or disruption to orderly proceedings. At the same time the regulation is designed to allow flexibility by permitting, particularly as in the case of the Council, applicable rules to apply in certain circumstances. For example, the Council may formally permit a waiver of the rules so as to allow a member of the public to step forward as a witness even though that person's name had not been previously submitted to the Secretary in accordance with the applicable rule. In such case, the Council, by waiving the rule, would be permitting such person to make his views known in an orderly manner and at the same time preserve the right of the Council to conduct its meetings in the way the Council desires.

This regulation, if adopted, will provide a helpful legal tool in aiding the orderly conduct of Council and other official business.

Attachment

Regulation of the District of Columbia to Assure
Order and Decorum in the Conduct of Official Business

WHEREAS, it is necessary that an atmosphere of order and decorum be maintained in the conduct of the affairs of government; and

WHEREAS, the views of citizens and their representatives must be received and considered in such manner as to assure orderliness and fairness; and

WHEREAS, it is the intent of the Council that official business of the Council, and of the District of Columbia Government as a whole, be free of disruption and disorder.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. No person or group of persons shall willfully and knowingly:

(a) utter loud, threatening, or abusive language, or engage in any disorderly or disruptive conduct within any building or part of any building owned or under the control of the District of Columbia with the intent to impede, disrupt, or disturb the orderly conduct of any meeting, hearing, or other proceeding of the District of Columbia Council, or of any committee or subcommittee thereof, or the orderly conduct of official business of any officer, employee, or agency of the District of Columbia Government; or,

(b) enter or remain in, during the course of any meeting, hearing, or other proceeding of the District of Columbia Council or any committee or subcommittee thereof, any area set aside for use by persons other than the general public except in accordance with the rules of the Council; or,

(c) enter or remain in, during the conduct of official business by any official, employee, or agency of the District of Columbia Government, any area set aside for use by persons other than the general public except in accordance with the ruling of such official, employee, or agency conducting such official business.

Section 2. Any violation of this regulation shall be punishable by imprisonment for not more than ten days or a fine not to exceed $300.

Section 3. This regulation shall take effect immediately upon enactment.

GG:ma:10/17/69

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, CORPORATION COUNSEL
Agency, Office: Special Assignments Division

TO: Mayor Walter E. Washington

Date:

FROM: Charles T. Duncan C.T.D. H.G.B.
Corporation Counsel, D. C.

SUBJECT: Regulation No. 69-53

Referred to this office for review was the above-referenced regulation, passed by the District of Columbia Council on December 16, 1969, and submitted to you for approval and signing.

The regulation prohibits conduct that is disruptive to the order and decorum of business before the District of Columbia Council or before any District Government agency or employee.

There is no legal objection to approving the above-referenced regulation.

W-8

Regulation No. 69-54

December 26, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE: - REGULATION GOVERNING CERTAIN CAUSES OF WATER POLLUTION

Polly Shackleton Presents the following regulation:

WHEREAS, the Water Quality Act of 1965 amended the Federal Water Pollution Control Act to provide for the establishment of water quality standards for all coastal and interstate waters; and

WHEREAS, pursuant to the provisions of the above stated Act, the District Government submitted to the Secretary of the Interior, the District's water quality standards and these were approved by the Secretary January 1969; and

WHEREAS, the City Council passed on April, 1969 Regulation 69-17 for the purpose of controlling water pollution resulting from excessive erosion as part of the Implementation and Enforcement Plan for Water Quality Criteria; and

WHEREAS, it is necessary for the purpose of controlling local pollution to also promulgate regulations to aid in the control of polluting wastes from watercraft; and

WHEREAS, the authority to promulgate such regulations is contained in Section 1-226 of the District of Columbia Code, 1967 edition, and Section 402(4) of Reorganization Plan No. 3 of 1967,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. Part 8, Chapter 2 of Title 8, Health Regulations, of the District of Columbia Regulations shall read as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE				X		YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 4, 1969

Adopted on second and final reading December 16, 1969

Presented to the Mayor-Commissioner December 17, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) DEC 26 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: (Date)

Disapproved and returned to the City Council (Mayor-Commissioner) (Date)

Readopted (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

8-2:801 Purpose and Scope

(a) Purpose. The purpose of this Part is to prevent and control the pollution of the Potomac River and its tributaries.

(b) Scope. This Part is applicable to all sources of pollution affecting the Potomac River and its tributaries within the District of Columbia and includes, but is not limited to, pollution carried by storm water run off, sources of sediment, wastes from vessels or other floating construction and domestic and industrial wastes.

8-2:802 Prevention of the Generation of Sediment

(a) No permit for building, demolition, or construction activities shall be issued until the plans for such demolition or construction contain erosion prevention measures for the site in question, which measures are determined to be adequate in the opinion of the Commissioner or his designated agent.

(b) Land clearing, demolition, and construction operations shall be conducted in such a manner as to prevent when possible and otherwise minimize the contamination of water courses by sediment bearing materials or other pollutants. Excavation, borrow pits, stockpiled earthwork, graded or ungraded slopes or other areas, which may create a potential erosive condition, shall be maintained in such a manner as to prevent or minimize sedimentation of any water course. In the event of suspension of all or a portion of any construction operation, effective erosion control shall be maintained for the duration of said suspension. Where storm water flows away from any exposed land, the owner shall provide effective erosion control during the period said land is exposed.

(c) Storm water drainage shall not be allowed to be discharged in such a manner as to erode any land.

8-2:803 Prevention of Pollution by Watercraft

(a) The discharge into the Potomac River or its tributaries of any wastes, whether liquid or solid, treated or untreated, from any vessel berthed at a marina, dock, or basin is hereby prohibited.

(b) Each marina, dock, or basin where vessels or other watercraft are berthed shall be provided with water closets, urinals, and lavatories which are separate for each sex, readily available and in sufficient numbers to meet the needs of persons using the marina facilities. Each marina, dock or basin, where vessels or other watercraft suitable for overnight accommodations are berthed shall, in addition to the above, be equipped with suitable bathing facilities. Such facilities must be approved by the Director of Public Health to be acceptable for these purposes.

8-2:804 Variances.

Any person engaged in an operation, or operations, which may result in providing a source of pollution affecting the Potomac River or one or more of its tributaries, at the time of the promulgation of this Part, shall be excused by the Director from the performance of any Act required by the provisions of this Part either in whole or in part upon a finding by the Director that the full performance of such act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability of bringing the operation into full compliance with the requirements of this Part: Provided, That a variance shall be allowed

only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent such variance can be granted without impairing the intent and purpose of this Part: Provided further, That a record, open to inspection to the public, shall be maintained in the Department of each and every variance allowed under the terms of this section.

8-2:805 Penalty

Any person who violates or fails to comply with any provision of the regulations in this Part shall be punished by a fine of not more than $300. In the event of any violation of, or failure to comply with the regulations in this Part, each and every day of such violation or failure shall constitute a separate offense, and the penalty proscribed above shall be applicable to each such separate offense.

8-2:806 Independence of Sections

Each section of this Part, and every part of each section, is hereby declared independent of every other, and the holding of any section, or part hereof, to be void or ineffective for any cause shall not be deemed to affect any other section, or part thereof.

Section 2. Effective Date

(a) Section 802 above shall be effective on April 11, 1970.

(b) Section 803 above shall be effective on August 1, 1971.

(c) With the exceptions noted in b., this regulation shall become effective on April 11, 1970.

Section 3. City Council Regulation 69-17, passed by the Council April 1, 1969, is hereby rescinded, as its substance is now incorporated in this regulation.

Regulation No. 69-55

December 26, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Public Space Regulations

Councilman Daugherty Presents the following regulation:

WHEREAS, Public Law 90-596 authorizes the District of Columbia Council to make and promulgate regulations to provide for rental of public space; and

WHEREAS, the District of Columbia Council desires to amend Article 43 of the Police Regulations of the District of Columbia, as amended by Regulation No. 69-25, relating to rental of public space; and

WHEREAS, section 402 (295) of Reorganization Plan No. 3 of 1967 vests in the District of Columbia Council the authority to make traffic regulations pursuant to section 6 of the Traffic Act of 1925 (D. C. Code, sec. 40-603(a); and

WHEREAS, the District of Columbia Council desires to amend the Traffic and Motor Vehicle Regulations for the District of Columbia to incorporate references to regulations relating to rental of public space.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that:

"Section 1. Article 43 of the Police Regulations of the District of Columbia, as amended, is amended to read as set forth in Appendix A of this Regulation.

"Section 2. The Traffic and Motor Vehicle Regulations for the District of Columbia are hereby amended as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE				X		YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 2, 1969.

Adopted on second and final reading December 16, 1969

Presented to the Mayor-Commissioner December 17, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) DEC 26 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

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Certified copies are available.

Part I, Article XIII, Section 79(b)12 by deleting the period after the number "171" and adding the following:

"and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

"Part I, Article XIII, Section 79(c) by deleting the period after the number "171" and adding the following:

"and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

"Part I, ARTICLE XIII, Section 79(c)6 by deleting the period after the word "alley" and adding the following:

"except parking shall be permitted in a public alley and at locations authorized by permit and upon payment of rent as provided in ARTICLE 43, Section 3 of the Police Regulations, except in areas zoned R or SP as designated by the Zoning Regulations."

"Section 3. This regulation shall take effect ten (10) days after notice of its adoption has been printed in a newspaper of general circulation in the District of Columbia."

ARTICLE 43
POLICE REGULATIONS
PUBLIC SPACE RENTAL

Sec. 1 - DEFINITIONS

The words and phrases used in this Article shall have the meanings respectively ascribed to them by Section 103 of the Act approved October 17, 1968 (Public Law 90-596; 82 Stat.1156) and in addition to the said words and phrases the following words and phrases shall have the meanings respectively ascribed to them in this section. Such meanings shall obtain except in those instances where the context clearly indicates a different meaning.

"Act" means the District of Columbia Public Space Rental Act, approved October 17, 1968 (Public Law 90-596, 82 Stat. 1156).

"Committee" means the Public Space Committee of the District of Columbia as constituted by Commissioner's Order No. 69-502, September 3, 1969.

"Council" means the District of Columbia Council.

"Department" means the Department of Highways and Traffic.

"Director" means the Director, Department of Highways and Traffic or his designated agent.

"Director of Finance and Revenue" means the Director of the Department of Finance and Revenue, or his designated agent.

"Director of Economic Development" means the Director of the Department of Economic Development, or his designated agent.

"District" means the District of Columbia.

"Permit Branch" means the Permit Branch of the Bureau of Licenses and Inspections, Department of Economic Development.

"Surface Space" means all that space between the building line and the curb regardless of whether such space is paved or unpaved.

"Treasurer" means the District of Columbia Treasurer.

Sec. 2 - GENERAL

(a) Administration and Enforcement of Act

In connection with the administration and enforcement of the Act and this Article, the following officials shall perform the duties respectively assigned to them in this section.

(1) When a property owner requests the use of public space the Director shall investigate the public need for said space, consider the proposed use of the space, and recommend to the Committee approval or disapproval of such use. The Director shall inspect such space, when he deems it necessary, to determine compliance with the Act, these regulations, and the terms of the permit. He shall refer to the Director of Economic Development violations of the Act, these regulations, or the permit, or conditions requiring remedial action. If, as a result of the private use of surface space, an imminently dangerous condition is discovered and public safety requires, the Director shall take such steps as are necessary to immediately remedy the situation.

(2) The Committee shall, on recommendation from the Director, determine the public need for public space, what private use may be made of it, and what may be erected or installed therein. The Committee shall approve or disapprove all applications for the use of public space referred to it by the Director, and no permit for such use shall be issued without Committee approval.

(3) The Director of Economic Development shall receive all applications for permits to occupy or use public space, referring them to the proper departments for review and approval or disapproval. In the case of vaults he shall determine the structural adequacy of proposed construction, investigate all questions of structural defects in existing vaults, and inspect them when he deems necessary to determine their physical condition. If a vault or related construction is found to be in an imminently dangerous condition and public

afety requires, the Director of Economic Development shall take such steps as are necessary to immediately remedy the situation. Through the Permit Branch he shall issue all approved public space permits. He shall investigate violations of the Act, these regulations or the terms of the permit, and take necessary action to remedy the situation.

(4) The Director of Finance and Revenue shall render all bills and collect all rents and other charges for public space occupancy and use, as provided by law and regulation.

(5) The Corporation Counsel, District of Columbia, or his designated assistant, shall institute and prosecute any action determined by him to be necessary by reason of any violation of the Act and these regulations.

(b) Application for Permit

Application for a permit for the occupancy and use of public space shall be signed by the owner of the abutting property and filed in the Permit Branch on the form provided by the District, in the number of copies required, with such attachments as may be necessary.

(c) General Conditions

(1) Any personal property placed on public space by the permittee shall be readily movable, maintained in a good clean condition, and shall not be allowed to deteriorate, become unsightly or dangerous to the public.

(2) Any property owner who wishes to sub-let public space, either surface or below the surface, shall file with the Director a notarized copy of the rental agreement covering the space to be sub-let prior to the issuance of an occupancy permit.

(3) The current schedule of rent, provided for in the Act, and established by the Council, shall be available from the Permit Branch.

Sec. 3 - SURFACE USE

(a) Who May Apply

The owners of business property abutting public space in areas zoned other than R or SP in the Zoning Regulations of the District may, subject to the provisions of this Article, rent so much of the surface space on which their properties abut as the Committee determines is not needed for the use of the general public during specified times on specified days.

(b) Rental Periods

Permittee shall pay rent for the surface space rented to him at the rate established by the Council and set forth in the current schedule of rent, available from the Permit Branch. Such rent is payable annually in advance unless the space is rented for a lesser period, in which case it shall be payable in advance for the entire rental period: Provided that public space shall not be rented for less than one month.

(c) Refund of Rent

In the event the Director requires a permittee to relinquish part or all of the surface space rented by the permittee, said permittee may secure a refund commensurate with the space so relinquished and the portion of the rental period remaining, by applying in writing to the Director. Such refund shall be made only after verification by the Director that all provisions of the Act and these Regulations have been complied with. Refund shall be made to the nearest 1/12 of the annual rent.

(d) Limits of Rental Space

Space to be rented under this Section shall not extend beyond the following limits:

(1) Above a horizontal plane extending from the first floor ceiling of the adjoining building, or above twelve feet, whichever is the lesser.

(2) Below the surface of the ground, whether paved or unpaved, within the area so rented.

(3) Beyond the curb line fronting the property as such line is established in the records of the Department.

(4) On either side beyond a line extending at 90 degrees to the property line from the intersection of the lot line of the permittee with the property line, as such lines are recorded in the office of the Surveyor of the District of Columbia, or, if the property line be on a curve, beyond a radial extending from the same point.

(e) Application

Application for the use of surface space shall be made to the Permit Branch in duplicate, on the form prescribed for such purpose, and shall be accompanied by six copies of a plat or drawing indicating, to scale, the amount of surface space the applicant is seeking permission to use. Such application shall state with particularity the nature of the proposed use, the type of equipment to be used, and the days of the week and hours of each day the applicant desires to use such surface space. Such application shall also contain a statement by the applicant that he will, in consideration of being issued a permit for the use of surface space, agree to hold harmless the United States and the District, and the officers and employees of each of them, for any loss or damage arising out of such use, or the discontinuance of any use; that he understands that his use of surface space is to be temporary, on a day-to-day basis; that he shall not acquire any right, title, or interest in such space; that the Director may by written notice, require him at any time to vacate all or any part of the surface space he has been given permission to use; that upon demand to vacate such space he will promptly remove any personal property placed thereon by him, or reimburse the District for the cost of moving such property; and that he shall have no recourse against either the United States, the District, or the officers or agents of either for any loss or damage occasioned by his being required to vacate all or any part of the surface space which he had been granted permission to use.

(f) Approvals

Application for a permit to use surface space shall be subject to the approval of the Committee, on consideration of a recommendation by the Director, who shall report whether the surface space for the use of which application is being made is required for the use of the general public on the days and at the times covered by such application. The Director shall investigate and report as to those days, and as to those times during each such day when such space may not be wholly or partly required for the use of the general public, and, subject to such investigation, recommend to the Committee whether such should be approved by it, and any qualifications which should be attached to such approval.

(g) Clear Passageway to be Maintained

Each applicant for a permit to use surface space shall demonstrate to the satisfaction of the Committee that the use to be made of such space will include provisions for the maintenance of a clear, unobstructed passageway not less than ten feet in width at all points, entirely across the frontage of the property occupied by the applicant, parallel to the line of the street and generally in the line of pedestrian traffic: Provided, that if the Committee shall find that usually, or at certain periods during the day or evening, the flow of pedestrian traffic at such location is sufficiently light to permit a passageway narrower than ten feet, a passageway as narrow as six feet may be approved by the Committee, either at all times when such use of surface space is permitted, or for certain specified periods during the time when such use is permitted. The width of the passageway or passageways approved by the Committee shall be indicated on the permit issued for the use of the surface space, and the space itself shall be so marked as to define such passageways, such markings to be by one or more painted white lines, each not less than four inches in width, or other such markings as may be required, extending across

so much of such surface space as the permittee is authorized to use. Such marking shall be done by the permittee in accordance with the directions of the Director.

(h) Submission to Fine Arts Commission

Applications for permits to use surface space abutting real property subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366) as amended (Section 5-410 and 5-411, D. C. Code, 1967 ed.), known as the "Shipstead-Luce Act", and the Act approved September 22, 1950 (64 Stat. 903; Section 5-801 through 5-805, D. C. Code, 1967 ed.), known as the "Old Georgetown Act", shall be submitted by the Director of Economic Development to the Commission of Fine Arts for its advice as to whether the proposed use of such surface space is in conformity with the intent and purposes of the applicable Act: Provided, that if the said Commission of Fine Arts fails to advise the Director of Economic Development of its determinations within thirty days, the said Director may assume that the proposed use is in conformity with the applicable Act. An applicant for permission to use surface space in an area subject to the provisions of either of the aforesaid Acts shall submit with his application a full description, including one or more sketches or renderings in color and perspective, of the use proposed to be made of such surface space, in order to permit the Commission of Fine Arts to determine whether such use will be in conformity with the applicable Act.

(i) Public Utilities to Review Application

Each public utility company which, according to the records of the District, operates or maintains any equipment or service in the area beneath the surface space for the use of which application is made shall be given an opportunity by the Director to inform him concerning its objections, if any, to the proposed use to be made of such space: Provided, that if any such company fails, within fifteen days after request for its recommendation, to notify the Director of

any objection it may have to such use, the Director may assume that it has no objection to the proposed use.

(j) Permit Conditions

Each permit to use surface space under the authority of these regulations shall be issued subject to the following conditions:

(1) That public space shall be rented only to the owner of the abutting private property: Provided, that the owner may sub-let said space to his tenant upon filing a copy of the rental agreement for said public space with the Director as set forth in section 2(c)(2) of this Article.

(2) That such space will only be used for the activity or activities specified on the permit, in accordance with the requirements of these and any other applicable regulations.

(3) That such use is temporary, and that the user acquires no right, title, or interest in the space he is permitted to use.

(4) That the United States and the District, and the officers and employees of each of them, will be held harmless for any loss or damage arising out of such use, or the discontinuance of such use, whether such loss or damage be suffered by the permittee, the United States, the District, or by some third person.

(5) That the Director may require such space to be vacated upon demand and its use discontinued, with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement.

(6) That if any such space be not vacated and such use be not discontinued by the time specified by the Director, the said Director may remove from such space any property left thereon, at the risk and expense of the owner.

(7) That any awning, umbrella, or other covering extending over or used

on such surface space shall be flame-proofed, and the arrangement of any furniture or other property placed thereon shall be in accordance with a plan proposed by the applicant, recommended by the Director and approved by the Committee.

(8) That the permittee will promptly remove any litter deposited on or in the vicinity of the surface space used by him, resulting from the activity or activities conducted by him on or adjoining such space.

(9) That the permittee will at all times conduct such activity or activities in an orderly fashion.

(10) That the permittee will, under permit duly issued by the District, provide lighting facilities adequate to light the activity or activities conducted by him on such surface space during the evening or night.

(11) That such space will be used for business purposes only during the hours specified on the permit authorizing such use, and neither before nor after such hours.

(12) That no entertainment or music shall be provided or permitted for the enjoyment of the patrons of the establishment operated by the permittee other than such music as may be furnished by not to exceed three musicians playing such stringed instruments as the violin, the viola, the cello, the double-base, and the guitar, and not more than one accordion or concertina: Provided, that such music shall not disturb the peace or quiet of the neighborhood, or the comfort or repose of any inhabitant thereof: Provided, further, that no music shall be played:

(aa) In violation of section 2 (a) of Article 6 of these Regulations.

(bb) Before or after the hours within which such music may be played as specified on the face of the permit issued for the use of such space.

(cc) Later than 12:00 midnight.

And provided further, that there shall be no amplification or production of music by any electronic or mechanical means, nor shall there be any electronic or mechanical reproduction of music and its dissemination by means of loudspeakers, whether by coin-operated or non-coin operated phonographs or music boxes, by background music service, or by any radio or television set.

(13) That the government of the District and the several public utility companies operating in the District will be permitted to have immediate access to manholes located in such space; that no objects or structures shall be placed on ventilation gratings over transformer manholes; that the said utility companies shall have the right, under permit, to have access to such space for the purpose of repairing or reinforcing existing facilities and to build new facilities, and the government of the District shall have like right; and that the government of the District and the said utility companies, their officers and employees, shall be held harmless for any loss or damage arising out of their use of said space or any part thereof, or for the interruption of or discontinuance of use resulting from the performance of work under, on, or above such space by the government of the District or by any of the said utility companies.

(14) That the permittee will post the permit issued him for the use of surface space in a conspicuous location on the front of the premises occupied by the permittee, either on the exterior of such premises, or in a location where it may be seen from the exterior of the premises, and so located and lighted as to be readily legible to a person on the public space in front of such premises.

(k) Vehicle Parking or Sales

If the surface space is to be used for the parking of

vehicles, either at a sales lot, a parking lot, a garage, a gasoline filling station, or other business property, in addition to the requirements of subsection (j) of this section the following shall apply.

(1) Any such area shall be paved to Department specifications.

(2) Limits of the surface space to be used shall be delineated in accordance with Department specifications and requirements.

(3) Vehicles shall not encroach beyond the marked limits in any manner, including the car or other overhang.

(4) When the operator of such a facility does not wish to rent surface space adjoining his establishment, no vehicle, or other object shall encroach beyond the property line in any manner, including car or other overhang, and provisions to prevent such encroachment shall be made as provided in Article 28, section 2(e) of these Regulations.

(l) Suspension or Revocation of Permit

Permits for the use of surface space shall be subject to suspension or revocation for failure of the permittee to comply with these regulations, or for failure of the permittee for a period of more than twelve consecutive months to make use of said surface space as specified on the permit and in accordance with the plan required by subsection (e) of this section.

(m) Supersedes other Provisions

The provisions of this Article relating to the extent to which surface space may be occupied by the operators of businesses abutting such space shall supersede such other provisions of these regulations as may control the extent to which such space may be occupied.

Sec. 4 - VAULTS

(a) Permits

No excavation or structural work of any kind, including abandonment, shall be done on a vault without a permit, nor shall any vault remain

in public space unless authorized by a valid permit issued to the owner.

(b) If Constructed Prior to July 1, 1969

Under the conditions of the Act, all permits issued for vaults constructed prior to July 1, 1969, expire on that date, and the owner may elect to do one of the following:

(1) Abandon the vault. Specifications for abandonment may be secured from the Underground Locations Section, Department of Highways and Traffic. No rent will be charged for any existing vault abandoned by December 31, 1969.

(2) Retain and use the vault. Issuance of a permit for this purpose shall be conditioned on the prior execution and recordation by the owner with the Recorder of Deeds, D.C., of an agreement, on the form provided by the Department and obtainable from the Permit Branch. A certified copy of the recorded agreement shall be furnished to the Department prior to issuance of a permit. Insurance, or other security, as specified in section 5 of this Article, shall be secured and be in effect at the time of issuance of the permit.

(3) Maintain only a portion of the vault, abandoning the remainder. Application shall be made for permit to abandon as provided in subsection (b)(1) of this section. The provisions of subsection (b)(2) of this section will apply to the portion maintained.

(c) If Constructed on or After July 1, 1969

Vaults constructed on or after the first day of July 1969 are subject to the provisions of the Act and shall be subject to all applicable portions of all Codes and Regulations of the District.

(1) Application for a permit shall be made as provided in section 2 (b) above, and in subsections (a) and (b) (2) of this section.

(2) When an owner notifies the Commissioner in writing of the abandonment of a vault, rent shall be charged until the Director has verified the abandonment.

(d) Alteration, Repair or Replacement

(1) A vault may be altered, repaired, or replaced only under permit obtained and issued in accordance with applicable provisions of this Article.

(2) Where a new building is to be erected on property adjoining an existing vault and the vault space is to be used immediately or shortly for the construction of a new vault the existing vault may be sealed by construction of a solid masonry wall separating it from the private property. In such case the vault agreement and insurance shall remain in effect and full responsibility shall rest on the owner, but no rent will be charged for the space until the new vault is constructed: Provided, that if construction on the new building shall not have been started within six months following the construction of the sealing wall rent will again be charged for the space occupied by the sealed vault at the previous rate until construction is started: And Provided Further, that if construction is suspended after starting, and remains suspended for six consecutive months, rent will be charged as above during the remainder of the period of suspended construction.

(e) Abandonment

(1) When an owner wishes to abandon a vault constructed after July 1, 1969, the provisions of subsection (b) of this section regarding abandonment of vaults constructed before that date shall apply.

(2) When abandonment is in connection with subway construction the execution of an agreement between the owner and the Washington Metropolitan Area Transit Authority transferring full responsibility to the latter agency will relieve the owner of all responsibility, including rent, providing the owner notifies the Director in writing, and furnishes an executed copy of the agreement.

ngerous Conditions

When, in accordance with Section 306 of the Act, the Director of nic Development serves a notice upon an owner informing him that the ult is unsafe, said owner shall immediately, upon proper permit, make repairs or abandonment in accordance with Department of Economic Development specifications, and shall complete the work within the time stated in said notice.

(g) Tax Sales

Delinquent rent and charges shall be collected in the same manner as delinquent real estate taxes. If any such tax remains unpaid after two years from the date that such tax was levied, the Director of Finance and Revenue will send to the property owner a notice of intent to advertise the property for tax sale. This notice shall state, as a minimum, the date of the tax sale, the square and lot number of the property to be sold, the amount of tax due, and the last date on which the tax may be paid before the property will be advertised for sale.

(h) Installation of Utilities and Surface Changes

(1) When the Director considers it in the public interest to construct or authorize construction of any utility in, through, under, over or in place of any vault the Director will request the Director of Economic Development to serve a notice on the owner stating the need for the vault space, what portion is required, and the date by which it must be available. Within the time specified in the notice the owner shall do such work as is necessary to clear the required space.

(2) The Director is authorized to accept an arrangement between the owner and the utility under which the utility will do all or part of the required work on the vault in conjunction with the utility installation. Such arrangement shall not relieve the owner of any responsibility under the vault permit and the recorded agreement. All abandonment or alteration effected by

utility shall be under permit, and to Department specifications.

(3) When any change proposed to be made in the roadway, sidewalk or other surface adjoining a vault, will affect the vault, the owner will be notified as provided above in subsection (1) of this section and he shall make all necessary modifications to the vault within the specified time.

(i) Uses of Vaults

Vaults may not be used for any purpose prohibited by section 3-362 (b)(3)(aa) of the Building Code. They may be used for storage of readily movable personal property, as sales or office space, for the storage of fuel, or for the parking of motor vehicles. Other uses not specifically forbidden by law, code or regulation may be approved by the Director if he finds it in the public interest to do so.

Sec. 5. Penalty for Violation

Any person who shall violate any provision of this Article shall be punished by a fine not exceeding $300.00 or imprisonment for not more than ten days for each and every day the violation continues.

Regulation No. 69-56

December 24, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE HOLIDAY FOR DISTRICT EMPLOYEES ON DECEMBER 26, 1969

Mr. Sterling Tucker Presents the following regulation:

WHEREAS, the President on December 23, 1969, issued an order that declared Friday, December 26, 1969, to be a holiday for federal employees, and

WHEREAS, the District of Columbia Council was transferred the rulemaking authority for holidays for District Employees under Title 1, Section 206 of the District of Columbia Code, and

WHEREAS, the District of Columbia Council finds that it must act expeditiously in order to allow District Employees to also have this holiday and, therefore, finds that in the interest of the public welfare it must act under Section 6 of the District of Columbia Administrative Procedures Act which allows an emergency waiver of public notice.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Commissioner of the District of Columbia is hereby authorized to issue those orders he deems necessary to declare Friday, December 26, 1969, to be a holiday for District Employees.

Section 2. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN	X					DAUGHERTY	X					SHACKLETON				X	
TUCKER	X					HAYWOOD				X		ROBINSON	X				
ANDERSON				X		MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on _____

Adopted on second and final reading December 24, 1969

Presented to the Mayor-Commissioner December 24, 1969 Stephen C. Swaim
Date Secretary of the City Council

Approved Walter E. Washington December 24, 1969
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____ _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

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Certified copies are available.

Regulation No. 69-57

DECEMBER 31, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to revise the Department of Public Welfare's Standard for Requirements for public assistance recipients.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, The Department of Health, Education, and Welfare Program Regulation 20-7 specifies as a requirement for State plans that by July 1, 1969, the State's standard for assistance for the Aid to Families with Dependent Children program will have been adjusted to reflect fully changes in living costs since such standards were established and further provides that, in the event the State is not able to meet need in full under the adjusted standard, the State may make rateable reductions; and

WHEREAS, the Department of Public Welfare Standard for Requirements now in effect for all public assistance recipients was based on living costs in April 1957 and established by the Board of Commissioners in Commissioners' Order No. 58-1084, dated July, 1958; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council, that:

Section 1. Basic Requirements: The Director, in determining basic requirements of individuals and families receiving public assistance shall apply the attached table which is appropriate to the individual's living arrangement:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN				X		DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on ~~DECEMBER 16, 1969~~

Adopted on second and final reading DECEMBER 31, 1969

Presented to the Mayor-Commissioner DECEMBER 31, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner DEC 31 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

Table 1 Basic Requirements for Individuals and Families Preparing Meals at Home

Table 2 Basic Requirements for Individuals Eating Meals in Restaurants, with a Room and Board Arrangement, or for Care in an Intermediate Care Facility, Foster Home or Residential Placement.

Section 2. Special Needs: The Director shall provide for special needs of individuals and families as follows:

(a) By inclusing in the assistance payment to the recipient:

(1) Housekeeper Service: An allowance in the amount charged not to exceed $200 per month when members of the assistance unit are without proper care and such care can be provided only at additional cost.

(2) Laundry: An allowance of $5 per month when the individual is physically unable to do his own laundry.

(3) Transportation: An allowance for the actual cost of transportation for medical purposes by the means recommended in writing by a physician, clinic or hospital official, for school attendance, rehabilitation purposes, for other appointments recommended by the Director and for visits to relatives in hospitals or other institutions.

(4) Expenses Attributable to Employment or Training: Allowance for personal upkeep of $1 per day for adults and .75¢ a day for children under the age of 18 for each day or part-day of employment or training not to exceed 21 working days a month. In addition all specific expenses incidental to employment or training, excluding the cost of day care when such is available from the Day Care Services of the Department; for recipients who are paid to care for children in their own homes, .60¢ a meal not to exceed two meals a day for each child provided care.

(5) Work Incentive Program Training Expenses: An allowance of $35 per month for each person in training.

(6) Insurance Premiums: The actual cost of insurance premiums on policies carried by aged, blind and disabled recipients who have assigned the policies to the Department.

(b) Special needs to be met by vendor payments to the supplier of goods or service:

(1) Homemaker Service to be paid in accordance with the contract of the Homemaker Service of the Metropolitan Area, Inc. with the District of Columbia.

(2) Property assessments on the residence property of aged, blind and disabled recipients on which there is a lien in favor of the District of Columbia.

(3) Costs related to obtaining and retaining the services of a court appointed representative.

(4) Medical services not provided by the Medicaid Program.

Section 3. This regulation rescinds Commissioners' Order No. 58-1084 as amended.

Section 4. This regulation is to be effective January 1, 1970.

TABLE 1

DEPARTMENT OF PUBLIC WELFARE, D. C.
Simplified Standard Public Assistance Grant for Persons Eating In, September 1967
All Categories: OAA, AB, AFDC, GPA, APTD

No. of Persons in Assistance Unit	Food	Clothing	Personal & Household Needs	Total BPR	Total Shelter 1/	Total Grant 2/
1	34	10	8	52	80	132
2	63	20	12	95	86	181
3	90	30	14	134	98	232
4	114	40	16	170	110	280
5	135	49	18	202	115	317
6	154	58	20	232	137	369
7	180	67	22	269	150	419
8	205	76	24	305	157	462
9	231	85	26	342	163	505
10	256	94	28	378	171	549
11	272	100	30	402	182	584
12	288	106	32	426	193	619
13	305	112	33	450	204	654
14	321	118	35	474	215	689
15	337	124	37	498	226	724
16	354	130	39	523	236	759

1/ A breakdown of Total Shelter approximates 80% for rent, 10% heating fuel, and 10% for utilities.

2/ To the above grant:
1. Add $7 for each child 13 - 20 years;
2. Deduct $10 for each child 5 years and less;
3. Add $12 for pregnant woman;
4. Add $35 for each additional person over 16 persons.

Sources: (1) Food - Department of Agriculture's Low Cost Food Plan for 1 month for a female (20 - 35 years) in September 1967 is the uniform outlay for food per person in each family group with an adjustment made for size of family, as suggested by the Department of Agriculture.

(2) All other components appear in the Standard, Autumn 1967, which is the official standard of the Department of Welfare at present in the 1970 Budget.

TABLE 2

DEPARTMENT OF PUBLIC WELFARE, D. C.
Standards for Eating Meals in Restaurants,
Room and Board, Intermediate, Foster Home or Residential Placement Care
September 1957
All Categories: OAA, AB, APTD, AFDC, GPA

Living Arrangement	Food	Clothing	Personal and Household Requirements	Total BPR	Shelter	Total Grant
Persons Eating Out						
One	$ 80	$ 10	$ 8	$ 98	$80	$178
Two	160	20	12	192	86	278
(Recipient)	(80)	(10)	(8)	(98)		
(Ess. Person)	(80)	(10)	(4)	(94)		
Add $12 for pregnant woman						
	Room and Board					
One Person	$107	$ 10	$ 8	$125		$125
Two Persons	186	20	12	218		218
Add $12 for pregnant woman						
Intermediate Care Facility	Room, Board & Care					
Class I	$125	$ 8	$ 8			$141
Class II	165	8	8			181
Class III	225	8	8			241
Foster Home or Residential Placement	$125	$ 8	$ 8			$141

Regulation No. 69-58

DECEMBER 31, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE Regulation to revise the income scale to determine the ability of legally responsible relatives to support persons in need of public assistance.

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the District of Columbia Code, Section 3-218 cites certain relatives who are held responsible for the support of persons in need of public assistance to the extent of their ability to pay; and

WHEREAS, the Department of Health, Education, and Welfare SRS Program Regulation 20-7 requires that States that hold relatives responsible for supporting public assistance applicants and recipients must establish an income scale based on more than the minimun standard of living level to determine their ability to support; and

WHEREAS, the income scale now in effect to determine legally responsible relative's ability to contribute to persons in need of public assistance, established by Commissioners' Order No. 67-889, is based on 1959 living costs and causes hardship when applied to the income of relatives who are trying to support their families adequately at 1969 living costs; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia, that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN				X		DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on DECEMBER 16, 1969

Adopted on second and final reading DECEMBER 31, 1969

Presented to the Mayor-Commissioner DECEMBER 31, 1969 (Date) Stephen C. Swaim (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) DEC 31 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

Section 1. The Director, Department of Public Welfare, shall apply the following income scale exemptions to determine the ability of a legally responsible relative cited in the District of Columbia Code, Section 3-218, to contribute to the support of a public assistance applicant or recipient, with the exception of a parent for a minor child or a husband for a wife who are legally liable to support under other District of Columbia statutes:

(a) Relative is the primary wage earner for his own family-Scale A

Number of Persons Dependent Upon Income - Including Wage Earner	Net Annual Income Scale
1	$ 4,700
2	6,800
3	8,800
4	9,300
5	10,300
For each Additional Dependent	1,000

(b) Relative is supported by others but has an independent income - Scale B

Number of Persons Dependent Upon Income - Including Wage Earner	Net Annual Income Scale
1	$ 2,350
2	2,850
For each Additional Dependent	500

Section 2. Basis for computation of relative's contribution

(a) Net income for this purpose shall be total income minus taxes, Social Security, retirement, and insurance deducted by the employer.

(b) The dollar amount of the following extraordinary expenses shall be added to the exemption for dependents before determining the relative's expected contribution:

(1) Medical and dental expenses in excess of 3 percent of gross annual income.

(2) Debts remaining after long unemployment or illness accrued as a result of such unemployment or illness.

(3) Cost of Establishment of home after fire or forced moving.

(4) Reasonable educational expenses beyond secondary school.

(5) Other unusual expenses approved by the Department of Public Welfare.

(c) The expected contribution is one-half of any excess after allowable exemptions have been considered. Computation shall be to the nearest dollar.

(d) No contribution is required if the amount is less than $5 per month. Any amount which is regularly contributed each month shall be counted as a resource.

(e) The employed mother and father of an adult recipient may combine their incomes in determining their expected contribution.

(f) When the relative is an employed daughter whose husband is not employed full time, Income Scale A is used.

Section 3. Dependents of a legally responsible relative are defined as:

(a) All persons dependent upon the income of the relative excluding the public assistance applicant or recipient; the support of persons claimed as dependents who do not live in the relative's household must be verified.

(b) The employed wife of a responsible relative when her income is added to his in determining the contribution according to Income Scale A.

(c) When Income Scale B is used, all of the persons included in (a) above plus the employed husband of the relative.

Section 4. Noncompliance

Whenever a responsible relative fails to provide information necessary to determine his ability to support, or when it has been determined that he is financially able to but has not contributed to the person in need of assistance, the case shall be evaluated for appropriate action including referral to Corporation Counsel.

Section 5. Verification Relative's Ability to Contribute

The ability of responsible relatives to contribute shall be determined through verification of earnings and other income at time of application, and whenever circumstances indicate the need to do so, but in no case less frequently than once every 12 months.

Section 6. Commissioners' Order No. 67-889, dated June 20, 1967, is hereby rescinded.

Section 7. This regulation shall become effective immediately upon enactment.

Regulation No. 69-59

Enactment Date DECEMBER 31, 1969

Regulation

of the

District of Columbia

TITLE : - Revision in Policies Relating to Methods of Applying the Standard for Requirements for Recipients of Public Assistance

Mrs. Polly Shackleton Presents the following regulation:

WHEREAS, the Department of Health, Education, and Welfare requires States to find means of simplifying methods of determining need for public assistance; and

WHEREAS, the Department of Public Welfare is currently operating under complicated methods of determining need that are administratively expensive; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations under which shall be determined the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare in determining need for public assistance will authorize the full allowance for basic requirements for the number of persons in the assistance unit as specified in the Standard for Requirements with the following exceptions:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN				X		DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					Robinson	X				
ANDERSON	X					MOORE	X					YELDELL				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on DECEMBER 16, 1969

Adopted on second and final reading DECEMBER 31, 1969

Presented to the Mayor-Commissioner DECEMBER 31, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner = DEC 31 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim, Secretary of the City Council

P-251

Certified copies are available.

(a) The principle of family budgeting shall be applied when there is more than one assistance payment paid to members of a family, by prorating the allowance for basic requirements according to the number of persons included in each payment.

(b) When two or more related families are receiving assistance and share the same living quarters, the shelter allowance shall be prorated according to the number in each assistance unit.

(c) When children who are receiving assistance are living in the home of a self-supporting relative who requests an allowance for shelter for the children, the amount allowed shall not exceed the children's prorated share of the relative's actual shelter cost, nor exceed the shelter allowance standard for the number of children in the payment.

(d) When an adult recipient of assistance lives with a legally responsible relative whose net income exceeds the income scale established to determine the ability of such relative to contribute to the recipient, no shelter allowance shall be included in the assistance payment.

Section 2. When a recipient prepares some of his meals at home and eats some meals in restaurants, the Department shall use the standard that predominately applies to his eating pattern.

Section 3.

(a) When a recipient is receiving nursing care in the home of a relative, the Department will apply the standard for room, board and care in an intermediate care facility, based on the kind and extent of care required.

(b) The rate for care in a foster home or for residential placement shall be the same as that for the lowest rate in an intermediate care facility.

(c) The rates paid for intermediate care, foster home care or residential placement shall be paid at 100 percent of the standard as the rates were not increased in the 1970 budget.

Section 4. This regulation rescinds all actions of the Board of Public Welfare and any implementing Administrative Orders which are in conflict with this regulation.

Section 5. This regulation shall become effective January 1, 1970.

Regulation No. 69-60

DECEMBER 31, 1969
Enactment Date

Regulation

of the

District of Columbia

TITLE SALE AND USE TAX ACT - INCOME AND FRANCHISE TAX ACT

STERLING TUCKER Presents the following regulation:

WHEREAS, on October 31, 1969, there was enacted "The District of Columbia Revenue Act of 1969" and

WHEREAS, said Revenue Act amended the District of Columbia Sales Act, and the D. C. Use Tax Act, and the District of Columbia Income and Franchise Tax Act of 1947; and

WHEREAS, as a consequence of said Revenue Act of 1969 changes are required in existing regulations adopted pursuant to said taxing acts,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council, that:

Section 1. EFFECTIVE ON AND AFTER JANUARY 1, 1970, THE FOLLOWING REGULATIONS PERTAINING TO DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAXES promulgated by the Commissioner under authority of Section 1 of Title XVI of the District of Columbia Income and Franchise Tax Act of 1947, as amended, are amended to read as follows:

Section 12 is amended as follows:

Section 12.14(a) - Declaration of Estimated Franchise Tax by Corporations and Unincorporated Businesses. Every corporation and unincorporated business required to make and file a franchise tax return under this article shall make and file a declaration of estimated tax if its franchise tax imposed by Title X Sec. 1 for the

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
HAHN				X		DAUGHERTY				X		SHACKLETON	X				
TUCKER	X					HAYWOOD	X					ROBINSON	X				
ANDERSON	X					MOORE	X					YELDELL	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on DECEMBER 16, 1969

Adopted on second and final reading DECEMBER 31, 1969

Presented to the Mayor-Commissioner DECEMBER 31, 1969 (Date) Stephen C. Swaim, Secretary of the City Council

Approved Walter Washington, Mayor-Commissioner DEC 31 1969 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Stephen C. Swaim
Secretary of the City Council

P-251

Certified copies are available.

taxable year can reasonably be expected to exceed $1,000.00.

Section 12.14(a)-(1) - Time for Filing Declaration of Estimated Franchise Tax by Corporations and Unincorporated Businesses. - The declaration of estimated tax required of corporations and unincorporated businesses shall be filed as follows:

If the requirements of Title X Sec. 1 are first met:	The declaration shall be filed on or before:
before the 1st day of the 4th month of the taxable year:	the 15th day of the 4th month of the taxable year:
after the last day of the 3rd month and before the 1st day of the 6th month of the taxable year:	the 15th day of the 6th month of the taxable year:
after the last day of the 5th month and before the first day of the ninth month of the taxable year:	the 15th day of the 9th month of the taxable year:
after the last day of the 8th month and before the 1st day of the 12th month of the taxable year:	the 15th day of the 12th month of the taxable year.

Section 12.14(a)-(2) Installment payments of Estimated Franchise Tax by Corporations and Unincorporated Businesses.

Amount and time for payment of each installment. - The amount of estimated tax (as defined in Title XII Sec. 14) with respect to which a declaration is required shall be paid in installments in accordance with the following table:

If the declaration is timely filed on or before the 15th day of the --	The following percentages of the estimated tax shall be paid on the 15th day of the --			
	4th month	6th month	9th month	12th month
4th month of the taxable year	25	25	25	25
6th month of the taxable year (but after the 15th day of the 4th month)	33 1/3	33 1/3	33 1/3	
9th month of the taxable year (but after the 15th day of the 6th month)	--		50	50
12th month of the taxable year (but after the 15th day of the 9th month)	--		--	100

For the first taxable year only beginning after January 1, 1970 one half of the above percentages is applicable.

Section 12.14(a) - (3) Presumption as to Date of Payment. - For the purpose of this section, any amount paid prior to the fifteenth day of the fourth month following the close of the taxable year shall be deemed to have been paid on the fifteenth day of the fourth month following the close of such taxable year.

Section 12.14(a) - (4) Amendment of Declaration. If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment. If any amendment is made after the fifteenth day of the ninth month of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

Section 12.7(a)(4) - (A) Returns of Taxes Withheld - Time for Filing - Forms. (1) The Commissioner or his designated agent shall, for the purpose of the filing by an employer of a return of the taxes withheld or required to be withheld by him, assign to each employer required to deduct and withhold tax under this Act a period which, in the discretion of the Commissioner or his designated agent shall be either a calendar month, quarter, or year. Each such employer shall file a return for the reporting period so assigned to him on or before the last day of the month immediately following the close of his assigned reporting period. All returns shall be made on forms as prescribed by the Commissioner or his designated agent. Any employer who, prior to January 1, 1970, was filing his return on a quarterly basis, shall continue so to do unless and until he is notified by the Commissioner or his designated agent that his filing period has been changed.

(2) There shall be assigned to each employer registering for withholding on and after January 1, 1970 a monthly, quarterly, or annual filing period at the time of his registration, and returns shall be filed in accordance with the filing period so assigned until such time as the Commissioner or his designated agent determines that the employer's return shall be made for a different filing period.

(3) The last return for any employer required to deduct and withhold tax under this Act who, during a calendar year, ceases to engage in business or ceases to pay wages shall be marked by such employer as his "Final Return", which such return shall state the period for which it is made and the date of the last payment of wages. A final return shall be filed with the Commissioner or his designated agent on or before the 30th day after the date on which the final payment of wages is made by the employer, to which shall be attached as a part of such return a statement setting forth the address at which the employer's records will be kept, the name of the person keeping such records and, if the business has been sold or otherwise transferred to any other person, the name and address of such person and the date on which such sale or other transfer of the business took effect. Whenever an employer temporarily ceases to pay wages, (including employers engaged in seasonal activities and employers paying wages upon which temporarily no taxes were required to be withheld) he shall continue to file returns, but shall state on the face of any return on which no tax is required to be reported the date of his last payment of wages and the date when he expects to resume paying wages subject to withholding.

Section 12.7(a)(4) - (B). Payment of Withholding Tax. (1) All sums which the employer has withheld from employees shall be deemed to be held in trust by the employer for the District of Columbia.

(2) With each return filed, every employer must remit to the Commissioner or his designated agent not less than the full amount of the tax which such employer was required to withhold during the filing period covered by such return.

(3) Where in any filing period more than the correct amount of tax is withheld, such amount as was actually withheld shall be remitted to the District.

Section 12.7(a)(4) - (C). Adjustment or Refund. If, in any filing period, more than the correct amount of tax is deducted from any wage payment, the overcollection shall be repaid to the employees only in another filing period of the same calendar year. The employer shall obtain and keep as a part of his records the written receipt of the employee showing the date and the amount of the repayment. Every overcollection not repaid and receipted for the employee must be reported and paid to the D. C. Treasurer.

Adjustments of prior returns shall be made in accordance with instructions issued by the Commissioner.

Section 2. That, THE REGULATIONS PERTAINING TO DISTRICT OF COLUMBIA SALES AND THE DISTRICT OF COLUMBIA USE TAX ACT promulgated by the Commissioners under authority of Section 143 of Title I of the District of Columbia Sales Tax Act of 1949 as amended, are amended to read as follows:

(a) For each sale or charge subject to the sale tax @ 2%:

	Range of Sale Price or Charge	Amount of Reimbursement
(1)	1¢ to 12¢	Nothing
(2)	13¢ to 62¢	1¢
(3)	63¢ to $1.12	2¢
(4)	on each additional 50¢ of sales price, or fraction thereof	an additional 1¢

(b) For each sale or charge subject to the sales tax @ 4%

	Range of Sale Price or Charge	Amount of Reimbursement
(1)	1¢ to 12¢	Nothing
(2)	13¢ to 29¢	1¢
(3)	30¢ to 54¢	2¢
(4)	55¢ to 84¢	3¢
(5)	85¢ to $1.12	4¢
(6)	more than $1.12	4¢ on each dollar or any multiple thereof, and, for any additional fraction of a dollar, the amount applicable thereto as shown in (1) through (5)

(c) For each sale or charge subject to the sales tax @ 5%:

	Range of Sale Price or Charge	Amount of Reimbursement
(1)	1¢ 12¢	Nothing
(2)	13¢ to 24¢	1¢
(3)	25¢ to 44¢	2¢
(4)	45¢ to 64¢	3¢
(5)	65¢ to 84¢	4¢
(6)	85¢ to $1.12	5¢
(7)	more than $1.12	5¢ on each dollar or any multiple thereof, and for any additional fraction of a dollar, the amount applicable thereto as shown in (1) through (6)

Although no reimbursement is authorized as to sales or charges in amounts which fall in the first bracket for each table shown above, the gross receipts derived therefrom are nevertheless required to be included in the gross receipts subject to the tax.

Section 3. This Regulation shall take effect immediately upon enactment.