

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority of §104(a)(1) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04(a)(1)(2001)); §§ 9 and 10 of the Vector-Borne Infectious Diseases Control Act of 2004, effective May 18, 2004 (D.C. Law 15-163, D.C. Official Code §§ 8-2131.08 and 8-2131.09(2001)); and Mayor's Order 2005-145, dated September 30, 2005, hereby gives notice of the adoption of the following amendments to Chapter 36 of Title 16 of the *District of Columbia Municipal Regulations*.

This rule establishes fines for violations of the Vector-Borne Infectious Diseases Control Act of 2004, and places rodent control fines in a new § 3631. No comments were received and no changes were made to the Notice of Proposed Rulemaking that was published in the D.C. Register on May 19, 2006 at 53 DCR 4163. The rule and a proposed resolution were submitted to the Council of the District of Columbia, and were deemed approved on August 6, 2006, after a 60-day period of review. Resolution 16-784 was published in the *D.C. Register* on August 25, 2006, at 53 DCR 6991. This rule will become effective upon publication of this notice in the *D.C. Register*.

Title 16 (Consumers, Commercial Practices & Civil Infractions)(July 1998) of the District of Columbia Municipal Regulations is amended as follows:

I. Section 3630 is amended to read as follows:

3630 VECTOR-BORNE DISEASE CONTROL AND ANIMAL DISEASE PREVENTION INFRACTIONS

3630.1 Violation of any of the following shall be a Class 1 infraction:

- (a) Section 3(a)(1) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(1)) (causing or allowing the open dumping of any tire);
- (b) Section 3(a)(2) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(2)) (causing or allowing the open burning of any tire);
- (c) Section 3(a)(4) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(4)) (causing or allowing a tire to be used in playground equipment unless the tire is altered to prevent the tire from accumulating water); or

- (c) Section 6(b) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.05(b) (failure to abate a public health nuisance within the time specified in an order issued under section 6(a) of the Act, D.C. Official Code § 8-2131.05(a)).

3630.2 Violation of Section 3(a)(3) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(3)) (causing or allowing the storage of any tire unless the owner or operator of the property where the tire is stored takes measures to prevent the tire from accumulating water by covering or altering the tire) shall be a Class 2 infraction.

3630.3 Violation of Section 3(b)(1) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(b)(1) (failure to takes preventive measures to prevent the breeding or harborage of vectors in water bearing containers, standing water, swimming pools and open waters used for bathing or swimming as specified in § 8-2131.02(b)(1) through (b)(4)) shall be a Class 3 infraction.

II. A new § 3631 is added to read as follows:

3631 RODENT CONTROL INFRACTIONS

3631.1 Violation of any of the following shall be a Class 3 infraction:

- (a) 22 DCMR § 107.1(a) (failure to comply with an order to provide vent stoppage of any rat-infested building or other structure or part thereof);
- (b) 22 DCMR § 107.1(b) (failure to comply with an order to remove trash or refuse from the premises which may provide rat harborage);
- (c) 22 DCMR § 107.1(c) (failure to comply with an order to protect food and garbage from rats);
- (d) Section 908(c) of the Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 8-2103.05(c)) (failure to comply with an order to remove debris from public or private property);
- (e) 22 DCMR § 107.4 (refusing to permit or interfering with inspections to determine the prevalence of rats);
- (f) Section 908(b) of the Rodent Control Act of 2000 (D.C. Official Code § 8-2103.05(b)) (failure of an owner to comply with an order to take appropriate abatement measures if signs of past rodent harborage are found upon transfer or change of occupancy of real property);

- (g) Section 908(c) of the Rodent Control Act of 2000 (D.C. Official Code § 8-2103.05 (c)) (failure to use a licensed and certified pest controller to abate existing rodent populations due to the accumulation of debris on public or private property);
- (h) Section 908(c) of the Rodent Control Act of 2000(D.C. Official Code § 8-2103.05 (c)) (failure to use a licensed and certified pest controller to abate existing rodent populations found upon transfer or change of occupancy of real property);
- (i) 21 DCMR § 707.9 (failure to properly store grease held for recycling or disposal);
- (j) 21 DCMR § 707.11 (failure to keep waste container lids closed at all times other than when the container is being filled or emptied); or
- (k) 22 DCMR § 107.1(d) (failure to comply with an order to exterminate rats on the premises of buildings or other structures).

3631.2 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) Section 908(c) of the Rodent Control Act of 2000 (D.C Official Code § 8-2103.05 (c)) (failure to comply with an order to keep grass or weeds cut to a height of less than eight (8) inches); or
- (b) 21 DCMR § 707.10 (failure to keep commercial trash compactor free of spilled waste).

3631.3 Violation of 21 DCMR § 707.12 (failure to store pet food or bird seed in a rodent-proof container or remove uneaten food or feed remaining on the ground after birds and pets have been fed) shall be a Class 5 infraction.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health ("DOH"), pursuant to section 11 of the Litter Control Administration Act of 1985 ("Act"), effective March 25, 1986, D.C. Law 6-100, D.C. Official Code § 8-810 (2001), and Mayor's Order 2000-184 (December 5, 2000), hereby gives notice of the adoption of the following amendment to Chapter 13 (Civil Fines Under D.C. Law 6-100) of Title 24 (Public Space and Safety) of the *District of Columbia Municipal Regulations* ("DCMR").

The amendment clarifies the legal authority of DOH to enforce violations of the Act by adding its Director to the list of government agency officials empowered to issue citations for litter control violations. No comments were received and no changes were made to the Notice of Proposed Rulemaking that was published in the D.C. Register on August 4, 2006 at 53 DCR 6372. These rules will become effective upon publication of this notice in the D.C. Register.

Chapter 13 of Title 24 DCMR is amended as follows:**Section 1300.2 is amended to read as follows:**

1300.2 The following District government agency officials or their delegates shall be empowered to issue the Notice of Violation, also referred to as a "ticket," to persons who violate any provisions set forth in D.C. Law 6-100, the "Litter Control Administration Act of 1985," as amended:

- (a) The Director of the Department of Public Works;
- (b) The Chief of Police of the Metropolitan Police Department; and
- (c) The Director of the Department of Health.