

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §§ 47-2832.01, 47-2851.12, and 47-2851.20, hereby gives notice of the intent to adopt, in not less than fifteen (15) calendar days from the date of publication of this notice in the *D.C. Register*, a new 24 DCMR 6 (Parking Facilities and Valet Parking). This rulemaking amends the parking facilities and parking facilities attendant rules to establish requirements for valet parking companies. In addition, it amends the name of the chapter.

Proposed regulations were published in a Notice of Proposed Rulemaking on October 10, 2008, in the *D.C. Register* at 55 DCR 10338. In response to comments received, the regulations were revised to: (1) change references from “parking lot” to “parking facility”; (2) require proof of sufficient insurance, rather than a bond; (3) modify application requirements for a parking facility license; (4) revise construction and fire safety requirements; (5) eliminate license requirement for valet parking attendants; and (6) clarify business practice requirements.

Final rulemaking action to adopt the amendments shall be taken in not less than fifteen (15) days from the date of publication of this notice in the *D.C. Register*.

24 DCMR Chapter 6 is amended to read as follows:

CHAPTER 6 PARKING FACILITIES AND VALET PARKING

Secs.

- 600 Administration and Enforcement
- 601 Insurance
- 602 Parking Facility License
- 603 Application for Parking Facility License
- 604 Transfer and Modification of Licenses
- 605 Construction, Fire Safety, Fencing, Driveways, and Paving
- 606 Inspection of Premises
- 607 Parking of Vehicles
- 608 Operating Requirements
- 609 Parking Facility Signs and Notice of Parking Fees
- 610 Parking Facility Attendants
- 611 Application for Parking Facility Attendant’s License
- 612 Non-Driving Parking Facility Attendants
- 613 Valet Parking License
- 614 Application for Valet Parking License
- 615 Transfer and Modification of Licenses
- 616 Valet Parking of Vehicles
- 617 Valet Parking Signs and Notice of Valet Parking Fees
- 618 Penalties
- 619 Notice of Proposed Action and Appeal Rights

620 Hearings and Appeals

600. ADMINISTRATION AND ENFORCEMENT

- 600.1 No person, firm, corporation, co-partnership, association, trustee, or administrator shall engage in any of the businesses designated in this chapter without first having obtained the appropriate license or licenses under this chapter.
- 600.2 All licenses shall be issued by the Director of the Department of Consumer and Regulatory Affairs (Director) or the Director's designee.
- 600.3 Any license issued under this chapter may be suspended or revoked by the Director for failure of the licensee to comply with the laws or regulations applicable to the licensed business under this chapter.
- 600.4 Any violation of any of the provisions of this chapter shall subject the offender to the penalties prescribed in D.C. Official Code § 47-2846 (2001) and Title 16, Chapter 32 of the District of Columbia Municipal Regulations.
- 600.5 Any person who makes any false or misleading statement in the filing of any information required under this chapter shall be subject to the penalties prescribed in D.C. Code § 47-2846 (2001) and may have his or her license suspended or revoked by the Director.

601. INSURANCE

- 601.1 Prior to issuance of a license, an applicant for a parking facility license or a valet parking license shall furnish to the Director a certificate of insurance, issued by an insurer authorized to do business in the District, evidencing umbrella coverage of a minimum of two million dollars (\$2,000,000).
- 601.2 Each licensee shall give, in writing, advance notice to the Director prior to the cancellation or lapse of the policy. The licensee shall maintain the insurance required under this chapter in full force and effect for the duration of the license period.
- 601.3 Violation of this section shall be grounds for the Director to suspend or revoke the license.

602. PARKING FACILITY LICENSE

- 602.1 Owners or managers of any premises, or parts of any premises, where vehicles of any description are stored or kept for other people, for profit or gain, shall obtain a license and pay a license fee, except as provided in § 602.2; such businesses shall also obtain all other business licensure as required by law or regulation. Any parking facility licensee that operates valet parking services, as defined in § 613.1, shall also obtain a valet parking license, as provided in § 613.
- 602.2 In cases where a person or business operates parking facilities in multiple locations, each parking facility location shall require a separate license.

- 602.3 Where the area of a parking facility is five hundred square feet (500 ft.²) or less, the provisions of this chapter shall not apply.
- 602.4 Where the area of a parking facility is more than five hundred square feet (500 ft.²), the owner or manager of the parking lot shall obtain a license and pay a license fee.
- 602.5 Each license shall be valid for two (2) years and shall expire at the end of the license period.
- 602.6 Where more than one (1) of the designations of parking facilities is conducted or operated by any one (1) person, the license fee shall be paid for each type of business designation.
- 602.7 Each licensee shall comply with all applicable traffic laws and parking regulations when providing parking facility services.

603. APPLICATION FOR PARKING FACILITY LICENSE

- 603.1 No license for a parking facility issued under the provisions of this chapter shall be issued until application is made to the Department of Consumer and Regulatory Affairs (Department), upon a form furnished by the Director.
- 603.2 Each application shall be signed by the owner or manager of each business and shall correctly set forth the information required on the application form.
- 603.3 Each applicant shall correctly state the following:
- (a) The ownership and location of the premises, or the parts of the premises, to be used for the storage and keeping of vehicles;
 - (b) The area in square feet (ft.²) to be used in the business;
 - (c) For surface parking lots, a description of any curbing or fencing to be maintained as required under § 605 of this chapter; and
 - (d) Any other information deemed necessary and appearing on the application form that is provided.
- 603.4 Each application shall be accompanied by a Certificate of Occupancy issued for the property to be used by the applicant. Applicants for surface parking lots shall additionally provide a plat showing the size and area of the land, as prepared by the District Surveyor.
- 603.5 Where fences, copings, driveways, or other uses of public space are required, they must meet the requirements of and be permitted by the District Department of Transportation.
- 603.6 An applicant who is not a resident of the District of Columbia shall, as a condition to the issuance of a license, employ as his or her agent a person who is a resident of the District or who has a place of business in the District, and upon whom may be served all notices and court processes in connection with or arising out of the licensee's business operation. The designated agent shall certify on the application that he or she has agreed to act as an agent for the licensee.

- 603.7 The appointment or employment of an agent shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of the agent required by this section, the licensee shall deliver to the Director a written notice of the change not less than five (5) days after the change.
- 603.8 The Director, upon finding that an agent designated by a licensee in accordance with the requirements of this section is not, after reasonable search, to be found in the District for the purpose of serving the licensee any notice or process required to be served, may institute a proceeding for the suspension or revocation of the license issued to the licensee; and notice of the suspension or revocation shall be effective if mailed to the last known address of the licensee appearing in the Department's records.

604. TRANSFER AND MODIFICATION OF LICENSES

- 604.1 Upon any change in the ownership, management, or mailing address of the licensed business, the parking facility licensee shall immediately notify the Director of that fact.
- 604.2 The new owner, resident general agent, or attorney, as the case may be, shall be responsible for the conduct of the business after a change in ownership or management and shall, in a timely manner, file a new application with the Director.

605. CONSTRUCTION, FIRE SAFETY, FENCING, DRIVEWAYS, AND PAVING

- 605.1 Parking facilities shall at all times comply with the fire prevention laws and regulations of the District of Columbia.
- 605.2 No frame structure shall be erected, constructed, or maintained upon any surface parking lot or ground that is more than forty square feet (40 ft.²) in area. Any such structures shall comply with District Construction Codes requirements.
- 605.3 No license shall be issued for any surface parking lot or ground abutting public space, not including public alleys, unless the division line between the public space and the surface parking lot or ground is marked by the coping or fence required under this section.
- 605.4 The coping or fence required under this section for surface parking lots shall be built entirely on private property and the licensee shall apply for the necessary permitting.
- 605.5 Coping shall consist of a regulation eight inch (8 in.) coping made of concrete.
- 605.6 Fencing shall be of an approved design, not less than two feet six inches (2 ft. 6 in.) in height; and may be made of cable, bar, wire, or chain construction with concrete, iron, pipe, or wood posts.
- 605.7 Failure to erect or maintain the coping or fence for surface parking lots required under this section shall be a violation of this chapter.
- 605.8 All curb cuts and driveways shall meet the specifications of and be permitted by the District Department of Transportation.

- 605.9 Businesses abutting on one (1) street shall be limited to two (2) driveways, and businesses abutting on two (2) or more streets shall be limited to three (3) driveways.
- 605.10 Lots and grounds paved with impervious material shall be graded and provided with approved drains so that no drainage will flow across the sidewalk.
- 605.11 No paving on public space shall be done without first obtaining permit from the District Department of Transportation.

606. INSPECTION OF PREMISES

- 606.1 Licensed premises shall be open during business hours to inspection by authorized agents of the District government.
- 606.2 No person shall obstruct or interfere with any District agent when the agent is on official inspection business.

607. PARKING OF VEHICLES

- 607.1 At the time of the acceptance of the motor vehicle for parking in or upon a licensed premise, the licensee shall supply a claim check or receipt to the person leaving the vehicle for storage.
- 607.2 Each claim check or receipt shall be distinctly numbered to correspond with a coupon that shall be placed upon the motor vehicle during the time the vehicle is stored.
- 607.3 Each claim check shall show on its face the following:
- (a) The personal or business name of the licensee; and
 - (b) The street address of the premise where the vehicle is stored; or
 - (c) A claim number the licensee can rely upon to determine the location where the vehicle is stored.
- 607.4 On premises not having motor vehicle servicing facilities, or that use overflow premises for storage, a notice or sign shall be placed in a conspicuous location notifying the public of the fact that vehicles are stored off-premises.
- 607.5 No vehicle shall be parked or caused to be parked so that it or any part of it is on or projects over public space, except as provided in Chapter 2 of this Title.

608. OPERATING REQUIREMENTS

- 608.1 Each parking facility licensed under this chapter shall be kept free from broken glass and other objects that could cut or damage the tires on vehicles parked at the facility.
- 608.2 At all times, licensees shall keep sidewalks, parkings, or any public space immediately abutting the licensed premises, free and clear of dirt, gravel, mud, stones, grease, and oil.
- 608.3 No person soliciting another to park an automobile shall solicit in such manner as to create a traffic hazard, or obstruct or interfere with the free passage of pedestrians or vehicles.

608.4 Any parking facility that operates a manlift or any similar device, or allows any employee to utilize such a device on the premises of the parking facility, shall ensure that:

- (a) The device is properly licensed;
- (b) The parking facilities' employees are properly trained in the use of the device; and
- (c) Operation of the device is in compliance with applicable District laws and regulations.

609. PARKING FACILITY SIGNS AND NOTICE OF PARKING FEES

609.1 In all areas other than those zoned only for residential use, each licensee shall place and maintain a legible and conspicuous sign that is clearly visible at every entrance to the licensed premises. Each sign shall state the name of the licensee and the hours of the day and night during which the premises are open and attended for the storage of vehicles; and it shall comply with all applicable regulations in force in the District of Columbia.

609.2 Each sign shall also state, in a clearly visible manner, the hourly and daily rates charged for the storage of vehicles on the paid premises.

609.3 No licensee shall charge, or permit to be charged, any greater fee than is posted at the time of entry. Rates applicable to weekly or monthly contracts, however, need not be posted.

609.4 The provisions of this section shall also apply to parking facilities located in residential zones, except that each sign shall conform to the sign regulations applicable to residential zones.

610. PARKING FACILITY ATTENDANTS

610.1 Except as permitted in § 610.2, any person employed to park or supervise the parking of automobiles in a parking facility, or who parks or supervises the parking of automobiles in a parking facility, must possess a parking facility attendant's license and pay a license fee.

610.2 The owner or operator of a parking facility, or the owner's duly authorized agent, may employ an individual who does not hold a parking facility attendant's license, but who does hold a valid motor vehicle operator's license, to park or supervise the parking of automobiles for not more than seventy-two (72) hours before the submission by the attendant of an application to the Director, and upon the issuance by the Director of a receipt prescribed in this section.

610.3 Each license shall be valid for two (2) years.

610.4 The licensee shall carry the license issued under this section on his or her person at all times while engaged in the licensed occupation.

610.5 The licensee shall exhibit his or her license on demand to any customer of the parking lot, or to any authorized representative of the District government.

- 610.6 The license issued to any individual may be revoked at any time in accordance with the terms of D.C. Official Code § 47-2844 (2001).
- 610.7 No person shall be issued a parking facility attendant's license unless he or she possesses a valid motor vehicle operator's license.
- 610.8 No person shall operate a motor vehicle under the authority of a parking facility attendant's license unless the person also has been issued, and has in his or her possession at the time of operating the motor vehicle, a valid motor vehicle operator's license.
- 610.9 While providing parking facility services, each licensee shall wear a uniform that identifies the licensee as working for a parking lot company.

611. APPLICATION FOR PARKING FACILITY ATTENDANT'S LICENSE

- 611.1 Any individual desiring a parking facility attendant's license shall correctly provide, upon a form prescribed by the Director, the following information:
- (a) The applicant's full name and address;
 - (b) The applicant's color of hair and eyes;
 - (c) The applicant's date of birth and sex;
 - (d) The number and date of expiration of the applicant's motor vehicle operator's license; and
 - (e) A statement of whether the applicant has ever been convicted of a felony or misdemeanor.
- 611.2 Each applicant shall include with his or her application a copy of the applicant's police record from the jurisdiction in which he or she resides on the date of the application, which is certified by the chief of police of that jurisdiction.
- 611.3 On receipt of the application, the Director shall issue to the applicant a receipt, certifying that the application has been received.
- 611.4 Upon the approval of the application by the Director, the Director shall issue to the applicant a license for two (2) years.
- 611.5 When an applicant for a parking attendant's license has submitted his or her application and has been issued the receipt by the Director, as provided for in this section, that receipt shall have the full force and effect of a license until the Director either issues the license or denies the application. The Director may require additional information or documentation necessary to determine the applicant's fitness to receive a license and may deny a license to an applicant who fails to provide the required information or supporting documentation.
- 611.6 In addition to those grounds otherwise outlined by law or regulation, the Director shall have the authority to deny, revoke, or suspend the license if the applicant or licensee:
- (a) Fails to meet or maintain the qualifications for licensure as outlined in this chapter;
 - or

- (b) If the Director finds that the applicant or licensee shows a disregard for safety, property, welfare of an individual, or the general public, or is otherwise unfit to work as a parking lot facility attendant.

612. NON-DRIVING PARKING FACILITY ATTENDANTS

- 612.1 Notwithstanding the requirements of § 610.9 of this section, the Director may waive the requirement that the applicant possess a valid motor vehicle operator's license when an application is accompanied by the following:
 - (a) An affidavit from the owner or operator of the parking facility at which the applicant is to be employed stating that the applicant will, under no circumstances, be required or allowed to operate a motor vehicle while he or she is employed as a parking attendant in that establishment; and
 - (b) An affidavit from the applicant stating that the applicant will not operate any motor vehicle while he or she is employed as a parking attendant.
- 612.2 Any parking facility attendant subject to § 612.1 shall have clearly indicated on his or her license information identifying the attendant as a person not authorized to operate a motor vehicle in the course of his or her employment.
- 612.3 The operation of a motor vehicle in the course of employment by a parking facility attendant subject to § 612.1 shall constitute a violation of this chapter. Conviction of this violation shall constitute grounds for the revocation of the license issued to the attendant.
- 612.4 A parking facility attendant subject to § 612.1 shall submit a new application for a parking facility attendant's license if the terms of employment of the parking facility attendant require him or her to operate a motor vehicle.

613. VALET PARKING LICENSE

- 613.1 Owners or managers of businesses that take a vehicle in public space and park it, for profit or gain, shall obtain a license and pay a license fee (such fee is separate from any fees required by the District Department of Transportation pursuant to Chapter 16 of Title 24 of the District of Columbia Municipal Regulations). Any valet parking licensee that operates a parking facility, as defined in § 602.1, shall also obtain a parking facility license, as provided in § 602; provided, that a parking facility licensee shall not be required to obtain a valet parking license for services provided by the parking facility licensee's parking attendants.
- 613.2 Each license shall be valid for two (2) years, shall be good only for the specific designation on the license, and shall expire at the end of the license period.
- 613.3 Each licensee shall comply with all applicable traffic laws and parking regulations when providing valet parking services.

614. APPLICATION FOR VALET PARKING LICENSE

- 614.1 No license for valet parking issued under the provisions of this chapter shall be issued until application is made to the Department of Consumer and Regulatory Affairs, upon a form furnished by the Director.
- 614.2 Each application shall be signed by the owner or manager of each business and shall correctly set forth the information required on the application form.
- 614.3 No license shall be issued unless the applicant certifies that he or she has reviewed applicable District zoning laws and regulations and the applicant's business is not required to obtain a Certificate of Occupancy.
- 614.4 An applicant who is not a resident of the District of Columbia shall, as a condition to the issuance of a license, employ as his or her agent a person who is a resident of the District or who has a place of business in the District, and upon whom may be served all notices and court processes in connection with or arising out of the licensee's business operation. The designated agent shall certify on the application that he or she has agreed to act as an agent for the licensee.
- 614.5 The appointment or employment of an agent shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of the agent required by this section, the licensee shall deliver to the Director a written notice of the change not less than five (5) days after the change.
- 614.6 The Director, upon finding that an agent designated by a licensee in accordance with the requirements of this section is not, after reasonable search, to be found in the District for the purpose of serving the licensee any notice or process required to be served, may institute a proceeding for the suspension or revocation of the license issued to the licensee; and notice of the suspension or revocation shall be effective if mailed to the last known address of the licensee appearing in the Department's records.

615. TRANSFER AND MODIFICATION OF LICENSES

- 615.1 Upon any change in the ownership, management, or mailing address of a licensed valet parking business, the licensee shall immediately notify the Director of that fact.
- 615.2 The new owner, resident general agent, or attorney, as the case may be, shall be responsible for the conduct of the business after a change in ownership or management and shall, in a timely manner, file a new application with the Director.

616. VALET PARKING OF VEHICLES

- 616.1 At the time of the acceptance of the motor vehicle for valet parking, the licensee shall supply a claim check or receipt to the person leaving the vehicle for valet parking.
- 616.2 Each claim check or receipt shall be distinctly numbered to correspond with a coupon that shall be placed upon the motor vehicle's dashboard during the time the vehicle is valet parked.

- 616.3 Each claim check or receipt shall show, on its face, the personal or business name of the licensee.
- 616.4 For each vehicle that has been valet parked by the licensee, the licensee shall store the keys of that vehicle in a secure manner and location.
- 616.5 No motor vehicle shall be parked or caused to be parked so that it is parked in a public space not zoned for the parking of motor vehicles, or in a manner proscribed by the District Department of Transportation in Title 24, Chapter 16 of the District of Columbia Municipal Regulations.

617. VALET PARKING SIGNS AND NOTICE OF VALET PARKING FEES

- 617.1 Each licensee shall place and maintain a legible and conspicuous sign that complies with the requirements of the District Department of Transportation, as provided for in Title 24, Chapter 16 of the District of Columbia Municipal Regulations.
- 617.2 Each sign shall state the fees charged for the valet parking of motor vehicles.
- 617.3 No licensee shall charge, or permit to be charged, any greater fee than is posted.

618. PENALTIES

- 618.1 Each licensee shall be liable for all penalties provided for violation of any of the provisions of this chapter, whether the violations are committed by the licensee or the licensee's agent or employee.
- 618.2 Pursuant to D.C. Official Code § 47-2846, any person violating any provision of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than thirty (30) days, or both.
- 618.3 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

619. NOTICE OF PROPOSED ACTION AND APPEAL RIGHTS

- 619.1 If the Department proposes to deny, suspend or revoke a license, a written notice shall be provided to the applicant or licensee, which states the proposed action and the basis for the proposed action.
- 619.2 The notice required under § 619.1 shall advise the applicant or licensee of the right to request a hearing within ten (10) business days (excluding Saturdays, Sundays, and legal holidays) from the date of the service of the notice.

- 619.3 The notice shall advise that the action proposed or recommended will be taken at the expiration of ten (10) calendar days after service of the notice unless an appeal is taken.
- 619.4 The notice shall be:
- (a) Served personally upon the applicant or licensee, or the applicant or licensee's agent; or
 - (b) Sent by first class mail to the home or business address of the applicant or licensee, or the applicant or licensee's agent, appearing on the application or license.
- 619.5 A notice that is returned by the post office for reason of refusal of the addressee to accept delivery, or incorrect address, is deemed to have been properly served on the addressee by mail.
- 619.6 An applicant may not file a separate application during the appeal process.

620. HEARINGS AND APPEAL

- 620.1 Any licensee on whom a notice has been served pursuant to § 619 may file a written notice of appeal with the Office of Administrative Hearings (OAH).
- 620.2 All hearings and appeals shall be conducted pursuant to the regulations promulgated by OAH. Any stay of an OAH decision that results in the revocation of a license shall be issued pursuant to the procedures set forth by OAH.

All persons desiring to comment on these proposed regulations should submit comments in writing, not later than fifteen (15) calendar days after publication of this notice in the *D.C. Register*, to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, Suite 9500, 941 North Capitol Street, NE, Washington, D.C. 20002. Comments may also be sent electronically to helder.gil@dc.gov. Copies of the proposed rules can be obtained, for a fee, from the address listed above and are also available, at no cost, on the Department of Consumer and Regulatory Affairs' website at dcra.dc.gov.

DEPARTMENT OF PUBLIC WORKS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Public Works, pursuant to the authority set forth in sections 18 and 20 of the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1018), section 8(b)(3) of the District of Columbia Litter Control Administration Act of 1986, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-807(b)(3)), and Mayor's Order 2008-157, dated November 20, 2008, hereby gives notice of intent to adopt the following rules in not less than thirty (30) days from the publication of this notice in the *D.C. Register* and upon completion of the forty-five (45) day period of Council review if the Council does not act earlier to adopt a resolution approving the proposed amendments. These rules would amend Chapter 20, Title 21 of the *District of Columbia Municipal Regulations* to add cardboard and plastic to the materials to be recycled, alter the requirements governing commercial recycling, and increase the fines applicable to violations of the District of Columbia's recycling laws and regulations.

Chapter 20 of Title 21 (D.C. Solid Waste Management and Multi-Material Recycling), of the District of Columbia Municipal Regulations is amended as follows:

Section 2000.1 is amended to read as follows:

2000.1 The purpose of this chapter is to establish minimum standards for the separation, collection, and recycling in the District of Columbia of newspaper, office paper, yard waste, metals, glass, paperboard, cardboard, plastics, and other commodities.

Section 2000.4. is amended to read as follows:

2000.4 Each day on which a violation occurs shall be a separate offense and the penalties described in this section shall apply to each separate offense.

Sections 2001, 2002, and 2003 are amended to read as follows:

**2001 RESIDENTIAL SOURCE SEPARATION OF PAPER,
PAPERBOARD, AND CARDBOARD**

2001.1 All owners and occupants of buildings authorized to receive District collection services in accordance with § 2010 shall separate paper, paperboard, and cardboard from household trash prior to setting it out for collection.

- 2001.2 A separate collection of paper, paperboard, and cardboard shall occur in accordance with a schedule determined by the Department of Public Works ("DPW").
- 2001.3 Paper, paperboard, and cardboard shall be placed at the DPW designated point of collection for recyclables.
- 2001.4 Paper, paperboard, and cardboard shall be set out no later than 7:00 a.m. on the scheduled day of collection and no earlier than 6:30 p.m. on the day before the scheduled collection.

2002 PREPARING PAPER, PAPERBOARD, AND CARDBOARD FOR COLLECTION

- 2002.1 Owners and occupants shall separate paper, paperboard, and cardboard from their general household solid waste and set it out for recycling.
- 2002.2 Paper, paperboard, and cardboard shall be placed in recycling bins approved by the Director or in bins of a similar size and shape and with similar handles. These materials may be placed in the same recycling bin as metal food and beverage containers, glass food and beverage containers, and plastic containers placed out for recycling.
- 2002.3 Contaminated or soiled paper, paperboard, or cardboard shall not be separated from general household waste and shall not be placed out for recycling purposes.

2003 RESIDENTIAL SOURCE SEPARATION OF CONTAINERS

- 2003.1 All owners and occupants of buildings authorized to receive District collection services in accordance with § 2010 of this chapter shall separate the following containers from household trash before setting the trash out for collection: metal food and beverage containers, glass food and beverage containers, and plastic containers.
- 2003.2 Containers identified in section 2003.1 shall be placed in recycling bins approved by the Director or in bins of a similar size and shape and with similar handles.
- 2003.3 Containers identified in section 2003.1 shall be placed into a recycling bin set for collection by the District in a manner specified by the Director.
- 2003.4 Containers identified in subsection 2003.1 shall be set out for collection by the District at the location for collection of recyclables specified by the Director.

- 2003.5 Containers identified in subsection 2003.1 shall be set out in a recycling bin for collection by the District no later than 7:00 a.m. on the scheduled day of collection and no earlier than 6:30 pm. on the day before the scheduled collection.
- 2003.6 Only containers identified in subsection 2003.1, and paper, paperboard, and cardboard shall be placed into a recycling bin set out for collection by the District.
- 2003.7 The containers identified in subsection 2003.1 shall be collected in accordance with a schedule determined by the Director.

Section 2004 is repealed.

Section 2021.2 is amended to read as follows:

- 2021.2 Each owner of a commercial property shall be responsible for the separate removal of recyclable material by a registered recycling hauler or pursuant to an approved self-implementation plan. The owner may provide through a lease agreement for an occupant to be responsible for its own solid waste removal, in which case the occupant shall also be responsible for the separate removal of recyclable material, unless otherwise provided for in the lease agreement. Notwithstanding the existence of such a lease agreement, the owner is responsible for complying with these regulations except where the Director determines that there are circumstances that warrant holding the occupant liable for compliance. The Director may issue a notice of violation to the occupant or to the owner.

Section 2021.3 is amended to read as follows:

- 2021.3 Each owner of commercial property shall, at least once a year, notify any tenants or occupants of the property of the legal requirement that certain materials be separated for recycling, the types of materials to be separated, how and where recyclables shall be taken in order to be collected for recycling, and the name and contact information of any recycling coordinator for the property.

Section 2021.4 is amended to read as follows:

- 2021.4 Each owner of commercial property shall post and maintain at least one (1) sign where solid waste is collected or stored that sets forth what materials are required to be source separated and states the collection procedures for such materials, and shall post at least one (1) sign at containers where recyclables are collected stating what materials may properly be placed in them. The owner may provide through the lease

agreement that an occupant shall also be responsible for posting and maintaining such signs, in which case the occupant shall also be responsible for meeting the requirements of this subsection.

Notwithstanding the existence of such a lease agreement, the owner is responsible for complying with this regulation except where the Director determines that there are circumstances that warrant holding the occupant liable for compliance. The Director may issue a notice of violation to the occupant or to the owner.

Sections 2021.5 through 2021.8 are repealed.

Section 2022.1 is amended to read as follows:

2022.1 Each owner and each occupant of a commercial property shall, at a minimum, separate for recycling paper, paperboard, cardboard, and clean and rinsed metal, glass and plastic containers. The materials that are separated for recycling shall be stored in bins, dumpsters, or other containers that are not used for the simultaneous storage of solid waste and recyclable materials. The owner may provide through a lease agreement for an occupant to be responsible for separating these materials for recycling in which case the occupant shall also be responsible for meeting the requirements of this subsection. Notwithstanding the existence of such a lease agreement, the owner is responsible for complying with this regulation except where the Director determines that there are circumstances that warrant holding the occupant liable for compliance. The Director may issue a notice of violation to the occupant or to the owner.

Section 2022.2 is repealed.

Section 2036.2 is amended to read as follows:

2036.2 Any occupant or property owner may file an application for waiver with the Director. Waiver applications may be obtained at the Department of Public Works, Office of Recycling, 3220 Pennsylvania Ave., S.E., Washington, D.C. 20020.

Section 2037.1 is amended to read as follows:

2037.1 Recyclable materials shall be stored in compliance with applicable fire code requirements.

New section 2038.2 is added to read as follows:

2038.2 After materials are placed out for collection by a recycling hauler, the materials shall not be removed by anyone other than the hauler.

Section 2050.1 is amended to read as follows:

2050.1 Each person, organization, or agent engaged in the business of collecting or processing recyclable materials shall register with the Director. The fee for registration shall be fifty dollars (\$50) and shall be paid annually, except that if the entity that is applying for registration owns or operates vehicles used for recycling collection, each vehicle shall also be registered and the fee shall be fifty dollars (\$50) per vehicle. This license is in addition to any license required by § 710.

Section 2050.5 is amended to read as follows:

2050.5 After the Director determines that the requirements for registering a vehicle have been satisfied, the Director shall provide two (2) stickers indicating the vehicle registration number to all registered vehicles.

New sections 2050.9 and 2050.10 are added to read as follows:

2050.9 Any entity that applies to be a registered recycling collector shall possess all required District government licenses, including any required Basic Business License and, to the extent that it operates at real property in the District of Columbia, its operations shall comply with District of Columbia land use requirements.

2050.10 An entity registered pursuant to § 2050.9 shall continue to maintain required licenses and to comply with applicable land use requirements while registered as a recycling collector. If a recycling collector fails to comply with this provision the Director may, in addition to taking any other authorized action, immediately suspend or revoke the recycling collector's registration.

Section 2051 is amended to read as follows:**2051 QUARTERLY REPORTING**

2051.1 Each person or business engaged in the collection or recycling of recyclables, as defined in § 2050, shall be required to submit quarterly reports and corresponding certified scale tickets to the D.C. Office of Recycling verifying the tonnage of recyclable materials collected by commodity.

2051.2 Each person or business removing recyclables under an approved self-implementing plan, as provided in § 2021, shall be required to submit quarterly reports and corresponding scale tickets to the D.C. Office of

Recycling verifying the tonnage of recyclable materials collected by commodity.

- 2051.3 Quarterly reports shall be submitted by the fifteenth (15th) day of the month following the end of a quarter (e.g., recyclable collected in the months of January through March must be recorded in a report received by April 15th).
- 2051.4 Reporting forms shall be obtained from the D.C. Office of Recycling.

Sections 2052.3 and 2052.4 are amended to read as follows:

- 2052.3 If the Director finds that any recycling collector, solid waste hauler, or an agent of either, violates any provision of this section, the Director may (in addition to any other remedy available), deny the hauler or its agent access to the District of Columbia's solid waste facilities for a period not to exceed thirty (30) days for each violation.
- 2052.4 If the Director finds that a recycling collector has committed three (3) or more violations of this chapter within a twelve (12) month period, the Director may (in addition to any other remedy available) suspend the collector's registration for up to twelve (12) months.

New sections 2052.5 and 2052.6 are added to read as follows:

- 2052.5 If the Director finds that a recycling collector has committed six (6) or more violations of this chapter within a twelve (12) month period, the Director may (in addition to any other remedy available) revoke the recycling collector's registration.
- 2052.6 A recycling collector shall maintain a copy of each day's recycling collection route and a list of customers served, and provide a copy to the Director within two business days after the Director requests the list.

New section 2053 is added to read as follows:

2053 HAULING

- 2053.1 A recycling hauler shall not simultaneously transport recyclables along with other materials for disposal in the same vehicle at the same time except pursuant to a written waiver of this requirement.
- 2053.2 A written waiver shall only be issued to a registered recycling hauler if the hauler demonstrates to the Director that the recyclables will be transported in a vehicle that does not compress or compact its contents. The hauler shall also demonstrate that the method used for simultaneously

transporting the materials ensures that recyclables will not be commingled with non-recyclable materials and that the recyclables will not be disposed of in any way other than by recycling.

2053.3 The Director may revoke a written waiver if the Director finds that the conditions for receiving a waiver are not being met.

Section 2061.1 is amended by inserting the phrase "listed below" after the word "chapter" and by deleting all of the text after the phrase

"Overweight bundles or bags of newspaper (21 DCMR § 2002.2)". 25

New subsections 2061.2, 2061.3, and 2061.4 are added to read as follows:

2061.2 For each of the violations listed below occurring at a residential condominium, apartment building, or residential cooperative, the schedule of fines set out in this subsection shall apply:

VIOLATION

Failure to arrange for proper removal of recyclables
(21 DCMR § 2021.2)

Failure to notify tenants/occupants of recycling requirements and program
(21 DCMR 2021.3)

Failure to post recycling signs
(21 DCMR § 2021.4)

Failure to separate recyclables from other solid waste
(21 DCMR § 2022.1)

Insufficient collection of recyclables
(21 DCMR § 2022.3)

Failure to have a sufficient number of containers for separated recyclables
(21 DCMR § 2022.4)

Failure to maintain containers for recyclables properly
(21 DCMR § 2022.5)

FINE SCHEDULE

1 st Offense:	\$ 200
2 nd Offense (within 60 days):	\$ 400
3 rd Offense (within 60 days):	\$ 600

2061.3 For each of the violations listed below occurring at a commercial building other than a residential condominium or cooperative, or at an apartment building, the fines set out below in this subsection shall apply:

VIOLATION

Failure to arrange for proper removal of recyclables
(21 DCMR § 2021.2)

Failure to notify tenants/occupants of recycling requirements and program
(21 DCMR 2021.3)

Failure to post recycling signs
(21 DCMR § 2021.4)

Failure to separate recyclables from other solid waste
(21 DCMR § 2022.1)

Insufficient collection of recyclables
(21 DCMR § 2022.3)

Failure to have a sufficient number of containers for separated recyclables
(21 DCMR § 2022.4)

Failure to maintain containers for recyclables properly
(21 DCMR § 2022.5)

FINE SCHEDULE

1 st Offense:	\$ 200
2 nd Offense (within 60 days):	\$ 400
3 rd Offense (within 60 days):	\$ 600

2061.4 For each of the violations listed below, the fines set out below in this subsection shall apply:

VIOLATION

Failure to have a valid recycling registration
(21 DCMR § 2050.1)

Failure to display recycling registration sticker properly
(21 DCMR § 2050.6)

Failure to provide for recycling of all materials collected for recycling purposes
(21 DCMR § 2050.8)

Failure to provide quarterly reports
(21 DCMR § 2051.1)

Failure of self-implementers to provide monthly reports
(21 DCMR § 2051.2)

Failure to provide timely quarterly reports
(21 DCMR § 2051.3)

Depositing recyclables at a District solid waste facility without approval
from the Director
(21 DCMR § 2052.1)

Hauling recyclable materials mixed with trash delivered to a District solid
waste disposal facility
(21 DCMR § 2052.2)

Recycling businesses must provide a copy of route and customers and
provide to Director on request
(21 DCMR § 2052.6)

Simultaneous transporting recyclables with other materials
(21 DCMR § 2053.1)

FINE SCHEDULE

1 st Offense:	\$ 500
2 nd Offense (within 60 days):	\$ 1,000
3 rd Offense (within 60 days):	\$ 2,000

Section 2099.1 is amended as follows:

By amending the definition of “Director” to read as follows:

Director - the Director of the Department of Public Works (or its successor agencies) or his or her designee.

By inserting after the definition of “Other Commercial Business” the following definitions:

Owner - the record owner of a property except that, for a condominium, the owner shall be the condominium association for that property.

Paper- newspapers, glossy magazines, coupons, office paper, advertisements, telephone directories, books, envelopes that do not have plastic address windows, brochures and other similar paper items.

Plastic- narrow necked plastic bottles.

Comments on these proposed regulations should be submitted, in writing, to Christine V. Davis, General Counsel, Department of Public Works, 2001 14th St, N.W., 6th Floor, Washington, D.C. 20009, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed regulations are available from this address.

UNIVERSITY OF THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING**

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under §201(a) of the District of Columbia Public Postsecondary Education Reorganization Act Amendments (“Act”) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code § 38-1202.01), and D.C. Official Code § 38-1202.06, hereby gives notice of its intent to amend Section 728 of Chapter 7 of Title 8, DCMR entitled “Tuition and Fees” in not less than fourteen (14) days from the date of publication of this notice in the D.C. Register. The purpose of the proposed rule is to amend the mandatory fees charged each semester to every University student in order to provide for a per-credit fee for part time students.

The Board of Trustees, in accordance with D.C. Official Code § 2-505(a), hereby finds good cause to use an abbreviated comment period of ten (10) days for the reasons set forth in this paragraph. First, the University substantially modified and revised both its tuition and fee schedules in the earlier part of this year. A thirty-day public comment period began on February 20, 2009, 56 D.C.Reg. 1754, and the final tuition and fee schedule was published and took effect on May 8, 2009, 56 D.C.Reg. 3690. Moreover, before and during this thirty-day comment period, the Board of Trustees and committees thereof held public meetings at which commentary from students and other stakeholders was received. In accordance with the full and recent public comment already received on this issue, the Board finds good cause to abbreviate the comment period. Second, the proposed fees contained herein are being promulgated for the purpose of relieving a burden on the students of the University. The relief comes to part-time students (those taking eleven (11) credit hours or less) who will now be permitted to pay a per-credit hour fee rather than having to pay the same fees as full-time students of the University. The Board finds that this relief of burden constitutes additional good cause to abbreviate the comment period.

The Board of Trustees of the University of the District of Columbia hereby proposes to amend Section 728 of the Title 8, DCMR, effective for the Spring 2010 semester, as follows:

Section 728

728.3(a): Insert the word “full-time” following the second “each” in the prefatory clause, so that the sentence reads: “Each semester and summer of enrollment, each full-time undergraduate and graduate student, not including students at the community college, shall pay the following mandatory fees:”

728.3(c): Strike the word “Students” and insert in its place the phrase “Each full-time student,” so that the sentence reads: “Each full-time student at the Community College shall pay a mandatory fee of \$300.00 for each semester in which they are enrolled, including the summer term.”

728.3(d): In Section 728.3, create a new subsection (d) as follows: “(d) Students who are not full-time students shall be required to pay a fee of \$30.00 per credit hour for each semester in which they are enrolled, including the summer term.”

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than fourteen (14) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of General Counsel, Building 39- Room 301Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W. Washington, D.C. 20008. Comments may also be submitted by email to dbrozovic@udc.edu. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking—Mandatory Fee Amendments” in their subject line. Copies of the proposed rules may be obtained from the Office of the General Counsel at the address set forth above.