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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-21

"Tree Space Beautification Regulation
Act of 1989".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-146 on first and second readings, May 16, 1989, and May 30, 1989, respectively. Following the signature of the Mayor on June 14, 1989, this legislation was assigned Act No. 8-43, published in the June 30, 1989, edition of the D.C. Register, (Vol. 36 page 4568) and transmitted to Congress on June 21, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-21, effective September 9, 1989.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 21,22,23,26,27,28,29

July 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31

August 1,2,3,4

September 6,7,8

SEP 09 1989

Enrolled Original

Codification,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 14 1989

To provide for the regulation of public tree spaces by adopting a new section 109 in Chapter 1 of Title 24 of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tree Space Beautification Regulation Act of 1989".

Sec. 2. The regulations that govern the beautification of tree spaces that abut the streets and avenues of the District of Columbia ("District") are promulgated to encourage beautification in a manner that does not endanger the public welfare or infringe upon the general use of public space. D.C.M.R.

Sec. 3. Title 24 of the District of Columbia Municipal Regulations is amended by adding a new section 109 to read as follows:

"109 BEAUTIFICATION OF TREE SPACES.

"109.1 The regulations contained in this section shall apply to the unpaved area of public space that lies between the street curb and the sidewalk, which is commonly reserved by the District government for planting trees.

"109.2 The beautification of tree spaces shall be governed by the provisions of this section.

"109.3 The beautification of tree spaces shall not require a permit.

"109.4 The owner or occupant of property that abuts tree space shall not be liable for injuries to others as a result of a tree space beautification activity that complies with this section. Tree space beautification shall be undertaken solely at the personal risk and expense of the owner or occupant.

"109.5 The District government reserves the right to enter tree space without the permission of the owner or occupant of the property that abuts the tree space.

"109.6 The beautification of a tree space may be undertaken at the discretion of the owner or occupant of the property that abuts the tree space, and shall be under the immediate care and keeping of the owner or occupant of the property that abuts the tree space.

"109.7 The beautification of a tree space shall not:

- "(1) Extend over the curb or the sidewalk;
- "(2) Extend within 3 feet of a crosswalk or paved bus stop landing;
- "(3) Extend within 6 feet of an entrance to an alley; or

- "(4) Extend within 6 feet of a street corner.

"109.8 In a continuous tree space, beautification areas shall be not more than 4 feet wide and 9 feet long. At least 6 feet shall separate each beautified area. A beautification area shall not be planted within 4 feet of a parking meter or a fire hydrant.

"109.9 A tree space may be bordered by a continuous barrier on the 3 sides that do not abut the curbline. The barrier may project not less than 4 inches and not more than 12 inches from the sidewalk or curb elevation. The use of wickets to edge or border a tree space is prohibited.

"109.10 The grade of the tree space shall not be altered in conjunction with a beautification effort, except with mulch. The use of gravel as ground cover is prohibited.

"109.11 Planting material used to beautify a tree space shall have a shallow root system and shall not be allowed to grow to a height in excess of 18 inches. Vegetables are prohibited.

"109.12 A tree space beautification effort may be removed or destroyed with sufficient notice by the District government or its agents, if removal or destruction is made necessary by construction, repair, or maintenance activities.

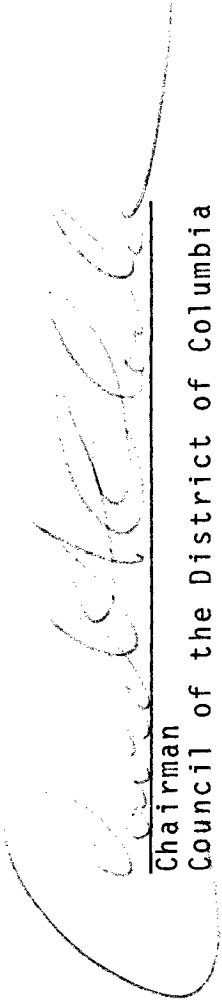
"109.13 A tree space beautification effort that is not in compliance with this section, or that is inadequately maintained or allowed to deteriorate may be removed with sufficient notice by the Department of Public Works.

"109.14 This section shall not be construed to supercede the provisions of Chapter 11 of Title 24 of the District of Columbia Municipal Regulations."

Sec. 4. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the

District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: June 14, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-146

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 5-16-89

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE: — RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

6-6-89
Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 5-30-89

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

☐ ROLL CALL VOTE: — RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

6-6-89
Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE: — RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date