

COUNCIL OF THE DISTRICT OF COLUMBIA

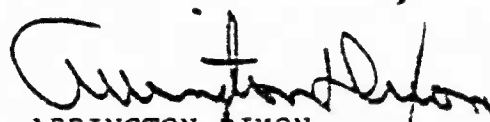
NOTICE

D.C. LAW 4-8

"Environmental Litter Containers Franchise
Termination Act of 1981".

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. 4-98 on first and second readings, March 10, 1981 and March 24, 1981, respectively. Following the signature of the Mayor on April 16, 1981, this legislation was assigned Act No. 4-19, published in the April 24, 1981 edition of the D.C. Register, (Vol. 28 page 1778) and transmitted to Congress on April 21, 1981 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 4-8, effective June 11, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April	27,28,29,30
May	1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,27,28,29
June	1,2,3,4,5,8,9,10

D.C. LAW 4-8

EFFECTIVE
DATE JUN 11 1981

AN ACT

D.C. ACT 4-19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APR 16 1981

To terminate the Environmental Litter Containers
Franchise due to ongoing violations of
franchise provisions by Pride Environmental
Services, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
that this act may be cited as the "Environmental
Litter Containers Franchise Termination Act of
1981".

Sec. 2. The Council of the District of
Columbia finds that:

CODIFICATION
D. C. Municipal
Regulations
(DCMR)

(a) Ongoing violations of the regulation
Granting An Environmental Litter Containers
Franchise To Pride Environmental Services, Inc., of
the District of Columbia, enacted May 27, 1972
(Reg. 72-10; 14 DCR 853) ("the franchise") have
been committed by Pride Environmental Services,
Inc., ("PES") since 1975.

These violations include the failure of PES to
maintain the containers in good condition as
required by section 5 of the franchise. No
identifiable maintenance, cleaning, or repair

activities have been performed by PES since 1978. Damaged and hazardous containers have become neighborhood nuisances.

(b) Repeated communications with PES regarding the franchise deficiencies beginning in 1976 resulted in no improvement. Written notices of default were given to PES on May 9, 1978, July 13, 1978, July 2, 1980, and November 14, 1980, by the Department of Environmental Services, but conditions continued to deteriorate.

(c) As a result of the violations of the franchise committed by PES, public litter receptacles in the District of Columbia are in an inadequate supply and a deplorable condition. The litter receptacle program is at a standstill due to PES's exclusive rights granted under the franchise to install and maintain litter receptacles in the District of Columbia, rights which do not expire until October 15, 1987.

(d) The effects of PES's lack of service are serious:

(1) A backlog of over three hundred (300) citizen requests for containers, which cannot be

honored, has been compiled by the Department of Environmental Services.

(2) The District of Columbia is unable to respond to citizen requests that existing containers, which because of their deteriorating condition have become eyesores, be removed.

(3) Many of the containers currently in the public space cannot be properly serviced due to the lack of liners and locks, and due to jammed lids, resulting in concentrations of refuse which become hazardous and offensive.

(4) The lack of public litter receptacles is increasing the cost of litter control to the District of Columbia. Collecting litter from containers is four (4) times less expensive than manually cleaning up that same amount of litter. The availability of litter receptacles is therefore particularly critical in light of current budget pressures and declining street-cleaning manpower.

(5) This serious public litter receptacle problem is directly contributing to the decline of the city's cleanliness.

(e) If the Council of the District of Columbia does not terminate the franchise, the District of Columbia will be unable to take action to improve the litter situation prior to October 15, 1987.

(f) PES has publicly abandoned the container program, informing citizens and the press that it is no longer operating the container program and is referring advertisers to the Department of Environmental Services.

(g) PES has defaulted on a loan from the United States Small Business Administration. PES's assets, including the containers, have been taken in the settlement of outstanding claims. PES has been evicted from its office and it no longer maintains an operations facility.

(h) Pursuant to section 12 of the franchise, the Department of Environmental Services gave written notice of default to PES on May 9, 1980, and on November 4, 1980, petitioned the Council of the District of Columbia to terminate immediately the franchise. On November 14, 1980, a copy of the decision was hand-delivered to PES.

(1) Pursuant to section 12 of the franchise, the Council of the District of Columbia held a public hearing on December 3, 1980, within thirty (30) days of receipt of the petition from the Department of Environmental Services.

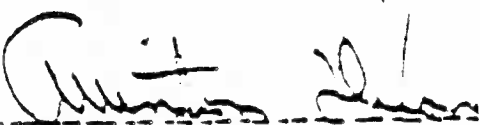
Sec. 3. The Council of the District of Columbia, having considered the above findings, determines that the public interest will be best served through the termination of the franchise and the return of this essential sanitation function to municipal control.

Sec. 4. The Council of the District of Columbia terminates the franchise.

Sec. 5. This act shall take effect after a thirty (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 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (47 Stat. 513; D.C. Code, sec. 1-147(c)(1)), but not earlier than one hundred twenty (120) days following receipt by PES of the Prida

Enrolled Original

Environmental Litter Containers Franchise
Termination Notice Resolution of 1981.



Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT
MAYORAL SIGNATURE

Mayor
District of Columbia

APPROVED: April 16, 1981

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 4-98

ACTION: Adopted First Reading, 3-10-81

☒ VOICE VOTE: Unanimous

Absent: Wilson

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD

W. D. Brown
Secretary to the Council

ACTION: Adopted Final Reading, Consent Calendar, 3-24-81

☒ VOICE VOTE: Unanimous

Absent: Kane

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD

W. D. Brown
Secretary to the Council

ACTION: _____

☐ VOICE VOTE: _____

Absent: _____

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.	COUNCIL MEMBER	AYE	NAY	Y.N.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD