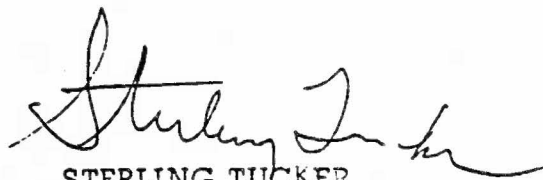


COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, PL 93-198 (the Act), the Council of the District of Columbia adopted Bill No. 1-28 on November 18, 1975 and December 2, 1975, respectively. Following the Mayor's signature on December 23, 1975, this legislation was assigned Act No. 1-81, published in the January 5, 1976, edition of the D.C. Register, and transmitted to both Houses of Congress 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 the following legislation as D.C. Law 1-55, effective March 19, 1976.


STERLING TUCKER
Chairman to the Council

D.C. LAW 1-55

In the Council of the District of Columbia

March 19, 1976

To provide for the relief of the owners of certain properties in Square S-5542 in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Soil Erosion and Sedimentation Control Act of 1975".

, Sec. 2. The purpose of this act is to prevent the further deterioration by soil erosion and sedimentation of certain private and public properties located in Square S-5542 in the District of Columbia, such deterioration having progressed to so critical a stage as to constitute an immediate and constant threat to the public safety and welfare, as to constitute a continuing street and sewer maintenance problems, and as to be beyond the financial ability of the affected property owners to remedy, and to study the nature and costs of remedial actions necessary to prevent the deterioration by soil erosion and sedimentation of other properties in the District of Columbia.

Sec. 3. The Mayor shall make immediate determinations as to the nature and cost of the remedial actions and permanent improvements necessary to prevent the further deterioration by soil erosion and sedimentation of properties located in Square S-5542. Having made these determinations, the Mayor shall

undertake such remedial actions and provide such permanent improvements, and repairs and maintenance thereto, as are necessary to prevent the further deterioration by soil erosion and sedimentation of properties located in Square S-5542. Such remedial actions and permanent improvements may include, but are not limited to, the provision, on or adjacent to private properties, of retaining structures, water drainage and diversion systems, slope terracing, slope benching, landfill treatments, and landscaping treatments. The Mayor shall provide the Council with a report on such determinations immediately upon their completion.

Sec. 4. The Mayor is authorized to prohibit activities in Square S-5542 including, but not limited to landfill treatments, water diversion, and construction, which may contribute to the soil erosion and sedimentation problems in said Square S-5542.

Sec. 5. The Mayor is authorized to enter private property in the District of Columbia for purposes of carrying out the provisions of this act. Such entry shall be reasonable in time and manner, and shall only be permitted after the provision of two (2) weeks written notice to affected property owners unless such property owners shall give their written or oral consent before such time.

Sec. 6. The owner of any property in Square S-5542, upon which any permanent improvements are made pursuant to this act or

which abuts upon any permanent improvements made pursuant to this act, shall be assessed for such improvements, and repairs and maintenance thereto, at such a rate as is determined to be just and equitable by the Mayor and such assessment shall be charged against and become a lien upon such property. Payment for the cost of said assessment may be financed, if desired by the owner of said property, over a period of not more than ten (10) years.

The owner of said property shall pay all interest charges on the unpaid balance of the assessment as may be required by the Mayor but in no event more than seven (7) percent per annum.

Sec. 7. Expenditure of funds for remedial actions or permanent improvements other than in Square S-5542 are not authorized by this act. No claim or right of relief for remedial actions, permanent improvements, repairs, or maintenance is created in any person by this act.

Sec. 8(a) The Mayor is authorized and directed to study, employing such inspection, geological testing, and other study techniques as may be necessary, other soil erosion and sedimentation control problems in the District of Columbia which shall be known to the Mayor or which shall have been brought to his attention.

(b) The Mayor shall, if necessary, present to the Council a preliminary report within thirty (30) days after the effective date of this act detailing the need for any funds above and

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beyond presently budgeted funds which the Mayor deems necessary for the undertaking of such study. This act does not authorize the expenditure of any such additional funds.

Sec. 9(a) A final report detailing the funds of such study, with determinations and recommendations as to (1) the causes of the other existing soil erosion and sedimentation control problems; (2) the nature of the remedial actions the Mayor determines to be absolutely necessary for the preservation of the public safety and welfare and property in the District of Columbia; (3) the nature of the remedial actions the Mayor determines to be advisable but not absolutely necessary for the preservation of the public safety and welfare and property in the District of Columbia; (4) the projected costs of the remedial actions in each category; and (5) a plan and formula for the allocation of costs between the government of the District of Columbia and the owners of any private property for which erosion and sedimentation control remedial actions shall have been recommended by the Mayor, shall be prepared and submitted to the Council no later than one (1) year after the effective date of this act.

(b) The Mayor shall develop and submit to the Council with such report an "Official Unstable Soil Conditions Map" identifying general existing unstable soil condition areas

in the D.C. Register for purposes of providing information and notice to the public of such existing unstable soil conditions.

Sec. 10. If any section or provision of this act is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining sections or provisions of this act.

Sec. 11. This act shall take effect at the end of the period provided for Congressional review of acts of the Council of the District of Columbia in subsection (c) of section 602 of the District of Columbia Self-Government and Governmental Reorganization Act.

Docket for the Bill 1-28

Considered in Council 11-18-75

First vote 11-18-75

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.	COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.	COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.
TUCKER	X					DIXON	X					SPAULDING	X				
MOORE, D.				X		HARDY	X					WILSON	X				
BARRY				X		HOBSON	X					WINTER	X				
CLARKE	X					MOORE, J.	X										
COATES	X					SHACKLETON	X										

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

Robert A. Williams
(Secretary of the Council)

Final vote in Council 12-2-75

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.	COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.	COUNCIL MEMBER	YES	NO	P. R.	A. B.	R. A.
TUCKER				X		DIXON	X					SPAULDING				X	
MOORE, D.	X					HARDY	X					WILSON	X				
BARRY				X		HOBSON				X		WINTER	X				
CLARKE	X					MOORE, J.	X										
COATES	X					SHACKLETON	X										

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

Robert A. Williams
(Secretary of the Council)

Presented to the Mayor 12-5-75

Mayor's action:

approve: ✓

23 DEC 1975

disapprove: _____

Robert A. Williams
(Secretary of the Council)

[Signature]
(Mayor's Signature)

Enacted without Mayor's signature _____

(Secretary of the Council)

Bill Docket 1-28
Page Two

Reconsidered by Council _____ Vote _____

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.
TUCKER						DIXON						SPAULDING					
MOORE, D.						HARDY						WILSON					
BARRY						HOBSON						WINTER					
CLARKE						MOORE, J.											
COATES						SHACKLETON											

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

(Secretary of the Council)

Presented to the President _____
(Secretary of the Council)

Sustain Mayor's veto _____

Not Sustain Mayor's veto _____
(President of the U.S.)

Submitted to the Congress _____
(Secretary of the Council)

Senate action _____
resolution number _____

House action _____
resolution number _____

(Secretary of the Senate)

(Clerk of the House)

Enacted without Congressional action _____