D.C. Code § 6-641.09

LEXIS DISTRICT OF COLUMBIA CODE ANNOTATED
Copyright (c) 2002 by Matthew Bender & Company, Inc.,
a member of the LexisNexis Group.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH ACTS RECEIVED BY THE PUBLISHER THROUGH JULY 26, 2002 ***
ANNOTATIONS CURRENT THROUGH SEPTEMBER 19, 2002

TITLE 6. HOUSING AND BUILDING RESTRICTIONS AND REGULATIONS
CHAPTER 6. ZONING AND HEIGHT OF BUILDINGS
SUBCHAPTER IV. ZONING REGULATIONS; BOARD OF ZONING ADJUSTMENT

◆ GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

D.C. Code § 6-641.09 (2002)

§ 6-641.09. Building permits; certificates of occupancy [Formerly § 5-426]

It shall be unlawful to erect, construct, reconstruct, convert, or alter any building or structure or part thereof within the District of Columbia without obtaining a building permit from the Inspector of Buildings, and said Inspector shall not issue any permit for the erection, construction, reconstruction, conversion, or alteration of any building or structure, or any part thereof, unless the plans of and for the proposed erection, construction, reconstruction, conversion, or alteration fully conform to the provisions of this subchapter and of the regulations adopted under said sections. In the event that said regulations provide for the issuance of certificates of occupancy or other form of permit to use, it shall be unlawful to use any building, structure, or land until such certificate or permit be first obtained. It shall be unlawful to erect, construct, reconstruct, alter, convert, or maintain or to use any building, structure, or part thereof or any land within the District of Columbia in violation of the provisions of said sections or of any of the provisions of the regulations adopted under said sections. The owner or person in charge of or maintaining any such building or land or any other person who erects, constructs, reconstructs, alters, converts, maintains, or uses any building or structure or part thereof or land in violation of said sections or of any regulation adopted under said sections, shall upon conviction for such violation on information filed in the Superior Court of the District of Columbia by the Corporation Counsel or any of his assistants in the name of said District and which Court is hereby authorized to hear and determine such cases be punished by a fine of not more than $ 100 per day for each and every day such violation shall continue. The Corporation Counsel of the District of Columbia or any neighboring property owner or occupant who would be specially damaged by any such violation may, in addition to all other remedies provided by law, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation or to prevent the occupancy of such building, structure, or land. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of these sections, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

BZA Case No. 16947 Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.27

HISTORY: June 20, 1938, 52 Stat. 800, ch. 534, § 10; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); 1973 Ed., § 5-422; 1981 Ed., § 5-426; Oct. 5, 1985, D.C. Law 6-42, § 450, 32 DCR 4450.

NOTES:
SECTION REFERENCES. --This section is referenced in § 47-1401.

LEGISLATIVE HISTORY OF LAW 6-42. --Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

ANALYSIS
Injunction
Misrepresentation.

INJUNCTION.
D.C. Code § 6-641.09 granted standing to a neighboring property owner, a law school, to sue for a preliminary injunction by a showing the school was "specially damaged" by restaurant owner's conduct, offering live female nude dancing entertainment to restaurant patrons without obtaining a new zoning certificate of occupancy, but the statute did not guarantee victory in the courthouse where the trial court employed the traditional equitable criteria applicable to injunctions in ruling on the motion and denied relief where there was no showing of irreparable harm to the law school. President of Georgetown College Ex Rel. Georgetown Univ. v. Diavatis, App. D.C., 470 A.2d 1248 (1983).

MISREPRESENTATION.
Occupancy of building owned by law school and the actual enrollment in that law school were two different things, and thus there was no basis for finding misrepresentation in school's assertion of an occupancy of 1,200 students, when it had an enrollment of 1,354. Burka v. Aetna Life Ins. Co., 945 F. Supp. 313 (D.D.C. 1996).

CITED in District of Columbia v. L.G. Indus., App. D.C., 758 A.2d 950 (2000).

About LexisNexis | Terms and Conditions

Copyright © 2003 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.