

Chapter 15

ENERGY¹

- Art. I. In General, §§ 15-1 -- 15-15**
Art. II. Energy Curtailment, §§ 15-16 -- 15-46
Div. 1. Generally, §§ 15-16 -- 15-25
Div. 2. Electric, §§ 15-26 -- 15-40
Div. 3. Petroleum Product Usage,
§§ 15-41 -- 15-46

ARTICLE I. IN GENERAL

Secs. 15-1 -- 15-15. Reserved.

ARTICLE II. ENERGY CURTAILMENT

DIVISION 1. GENERALLY

Secs. 15-16 -- 15-25. Reserved.

DIVISION 2. ELECTRIC

Sec. 15-26. Definitions.

As used in this division:

Customer means every person, partnership, company, firm, corporation, unincorporated association, or any other legal entity using or receiving any form of energy resource from the electric power board of the city.

Energy emergency means a condition of danger to the health, safety, welfare or economic well-being of the citizens of the city, arising out of a present or threatened shortage or reduction of usable energy resources; also, any condition of substantial danger resulting from the operation of any electrical power generating facility, or the transport of any energy resource by any means whatsoever.

¹ **Cross references--**Filling stations, § 11-156, et seq.; electricity, Ch. 14.

CHATTANOOGA CITY CODE

Energy resource means all forms of energy or power, including, without limitation, oil, gasoline and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels of any description.

Mayor means the mayor of the city.

Occupied space means a space then occupied by human beings for business or living.

Substitute officer means an official who shall act in the absence or inability to act of the mayor, as provided in this chapter and article, in case of energy emergencies.
(Code 1986, § 15-26)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 15-27. Notice of energy emergency; proclamation by mayor of energy emergency.

The electric power board shall advise the mayor when, in its opinion, an energy emergency, for whatever reason, exists in the city. When, in the judgment of the mayor, an energy emergency, as defined herein, is determined to exist, he shall forthwith proclaim the existence of same, the original of which proclamation shall be filed with the city finance officer.
(Code 1986, § 15-27; Ord. No. 9654, § 8, 1-6-92)

Sec. 15-28. Measures.

(a) After proclamation of an energy emergency, the mayor may, at his discretion, in the interest of the public health, safety and welfare, order the implementation of any or all of the following energy curtailment steps:

- (1) Prohibit any customer from making, causing or permitting any use of an energy resource from the electric power board for exterior floodlighting and motorized devices for decorative use, with the exception that commercial customers may operate window display lighting and one outdoor sign for business identification purposes.
- (2) Reduce the amount of electric energy usage for lighting billboards and other outdoor advertising signs under contract by the same percentage of kilowatt hours that the Tennessee Valley Authority reduces the total supply of kilowatt hours available to the electric power board. This reduction shall not apply to the amount of energy used in connection with lighting the one outdoor sign for business identification permitted under subparagraph (a)(1) of this section.

ENERGY

- (3) Prohibit any customer from making, causing or permitting any use of an energy resource from the electric power board for outdoor gas lights, swimming pool heaters, outdoor barbecue grills or similar nonessential uses.
- (4) Prohibit any customer from making, causing or permitting any use of an energy resource from the electric power board for the purpose of:
 - a. Heating or cooling an unoccupied space beyond the temperature limit set by order of the mayor; or
 - b. Heating or cooling an unoccupied space at a temperature in excess of that required to prevent loss of perishable goods, animals or damage to piping or equipment.
- (5) Prohibit any customer from making, causing or permitting any use of an energy resource from, the electric power board for exterior lighting during daylight hours.
- (6) Prohibit any customer from making, causing or permitting any use of an energy resource from the electric power board for interior lighting within commercial and industrial buildings when they are closed for business.
- (7) Prohibit any customer from making, causing or permitting any use of an energy resource from the electric power board for noncommercial recreational use after 10:00 p.m., and such use before 10:00 p.m. shall not be in excess of fifty (50) percent of the amount of that energy resource used in the billing period for the same month one (1) year earlier.
- (8) Declare and set the maximum number of hours and the maximum number of days that commercial customers may be open for the conduct of trade or business in any seven (7) consecutive day period. Such declaration or restriction shall not be in conflict with any restrictions that may be imposed by the state or the federal government.
- (9) Declare certain businesses as nonessential to the maintenance of the public health, welfare and safety. Such businesses shall be subject to having their energy resource supply from the electric power board restricted or eliminated upon order of the mayor.
- (10) Prohibit or restrict such other activities as he reasonably believes are necessary to help maintain life, health or property within the city.

CHATTANOOGA CITY CODE

(b) In imposing the restrictions provided by this section, the mayor may impose them for such times, upon such conditions, with such exceptions and in such areas of the city as he, from time to time, deems necessary.

(c) Whenever the restrictions imposed hereunder are more restrictive than are required by any other statute, local ordinance or regulation, the provisions of the restriction imposed hereunder shall govern.

(d) Whenever the restrictions of any other statute, local ordinance or regulation are more restrictive than the restriction imposed hereunder, the provisions of such statute, local ordinance or regulations shall govern.

(Code 1986, § 15-28)

Sec. 15-29. Exceptions.

Exceptions to the foregoing provisions may be made where necessary for the maintenance of the public health, welfare and safety, or where required by law. Such exceptions shall include, but not necessarily be limited to, police, fire and other essential governmental services; the room rental services of hotels, motels or other similar establishments; funeral homes and mortuaries; hospitals, medical clinics, sanitariums, rest homes and the prescription drug services of business establishments. The mayor shall determine such approved exceptions as are necessary for the maintenance of the public health, welfare and safety, and include a listing of the same in such proclamations as may be issued by him invoking the provisions of section 15-28, and shall file such proclamations with the office of the city finance officer.

(Code 1986, § 15-29)

Sec. 15-30. Substitution officers for mayor.

If the mayor is absent from the city, or is disabled, incapacitated or otherwise unable to act or function as mayor, then the powers vested in the mayor by this division shall vest in the following officials in the order named, depending on whether such officials are present in the city and are not disabled, incapacitated, or otherwise unable to act or function as such official:

- (1) Chairperson of the City Council;
- (2) Vice-chairperson of the City Council;
- (3) Head of the police department.

(Code 1986, § 15-30; Ord. No. 9654, § 90, 1-6-92)

Secs. 15-31 -- 15-40. Reserved.

ENERGY

DIVISION 3. PETROLEUM PRODUCT USAGE

Sec. 15-41. Definitions.

As used in this division:

Customer shall mean every person, partnership, company, firm, corporation, unincorporated association or any other legal entity using or receiving any form of petroleum energy resource from any form of petroleum energy resource from any distributor of same with the city.

Energy advisory board shall mean that group of private citizens appointed by the various governmental authorities in and within the Chattanooga, Hamilton County, Tennessee, area. The board shall consist of five (5) members appointed by the mayor of the city; three (3) members appointed by the county executive, and one (1) member for each of the other local governments participating.

Motor vehicles shall mean any and all types of vehicles that are propelled by an internal combustion engine which uses a petroleum distillant of some form as its energy source, except commercial and industrial vehicles.

Petroleum energy alert shall mean that a present shortage has occurred or that a threatened shortage is about to occur and the public shall be notified by the mayor of the degree or severity of the alert as follows:

- (1) *Blue alert.* Supply is ample, but at the conservation point where voluntary conservation must be observed and all users must be conscious of their needs and usages.
- (2) *Yellow alert.* A slight shortfall; the supply is below the conservation point and all users of petroleum energy products are urged to use mass transportation and car pools. Retail customers are urged not to top off tanks and to purchase supplies on a weekly basis.
- (3) *Red alert.* Requires mandatory conservation as supply is extremely short, ten (10) percent below the conservation point. Minimum purchases of petroleum energy products shall be allowed from the retail distributors. Sales of petroleum products for non-motor vehicle use to be curtailed.
- (4) *Mandatory alert.* Supply curtailed to point where federal department of energy institutes rationing.

CHATTANOOGA CITY CODE

Petroleum energy emergency shall mean a condition of danger to the health, safety, welfare or economic well being of the citizens of the city, arising out of a present or threatened shortage or reduction of usable petroleum energy products within the city and in and about the surrounding communities.

Petroleum energy products shall mean all forms of petroleum energy in its various refined states that is used as an energy source or used in motor vehicles of all types.

Resale retail distributor of petroleum energy products shall mean any resale retail distributor who makes direct sales of the petroleum energy products to the user of same for and as an energy fuel source for motor vehicles of any and all types.

Substitute officer shall mean an officer who shall act in the absence or incapacity of the officer designated to act.

(Code 1986, § 15-41)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 15-42. Notice of energy emergency; proclamation by mayor of energy emergency.

The energy advisory board shall advise the mayor when, in its opinion, after reviewing the supply data of the local petroleum energy distributors, a petroleum energy emergency exists in the city and at what alert stage the emergency exists. The mayor shall further proclaim the existence of same, the original of which proclamation(s) and any modifications, amendments, or recessions, shall be filed with the city finance officer.

(Code 1986, § 15-42; Ord. No. 9654, § 8, 1-6-92)

Sec. 15-43. Measures.

(a) After proclamation of a petroleum energy emergency and a designation of the type and degree of alert that exists, the mayor may, at his discretion, in the interest of the public health, safety and welfare, order the implementation of any or all of the following petroleum energy curtailment steps as set out by degree of petroleum energy alert in progress (which order shall be filed with the city finance officer).

(1) *Blue alert.*

- a. Request voluntary curtailment of use by the public and private sectors of the community.
- b. Notify local media of the existence of a potential shortage to encourage the public to conserve.

ENERGY

(2) *Yellow alert.*

- a. Request the increased usage of car pools and mass transit by the local residents.
- b. Request that customers only make weekly purchases of petroleum energy products and request that customers not "top off" their tanks.

(3) *Red alert.*

- a. Require sales of petroleum energy products in the maximum quantity of ten (10) gallons (42.28 liters) per customer with a minimum purchase of five dollars (\$5.00) required, with certified van and car pool vehicles to be exempt from the maximum purchase limit.
- b. Require the institution of an odd/even purchase system, using the last two (2) digits of the vehicle license, and establish days when odd-numbered vehicles may purchase and days when even-numbered vehicles may purchase.
- c. Require local area businesses and industry to certify to the city those people using car pools and/or van pools and to establish specific days and/or times for the purchase of petroleum energy products for use in car and/or van pools and to allow purchases in excess of the ten-gallon limit for such usages.
- d. Prohibit or restrict such other activities as he reasonably believes are necessary to help maintain life, health or property within the city.
- e. In imposing the restrictions provided by this section, the mayor may impose them for such times, upon such conditions, with such exceptions and in such areas of the city as he, from time to time, deems necessary.
- f. Whenever the restrictions imposed hereunder are more restrictive than are required by any other statute, local ordinance or regulation, the provisions of the restriction imposed hereunder shall govern.
- g. Whenever the restrictions of any other statute, local ordinance or regulation are more restrictive than the restriction imposed hereunder, the provisions of such statute, local ordinance or regulation shall govern.

(Code 1986, § 15-43)

CHATTANOOGA CITY CODE

Sec. 15-44. Exceptions.

Exceptions to the foregoing provisions may be made where necessary for the maintenance of the public health, welfare and safety, or where required by law. Such exceptions shall include, but not necessarily be limited to, police, fire and other essential governmental services; funeral homes and mortuaries; hospitals, medical clinics, sanitariums, rest homes and the prescription drug services of business establishments. The mayor shall determine such approved exceptions as are necessary for the maintenance of the public health, welfare and safety, and include a listing of the same in such proclamations as may be issued by him invoking the provisions of section 15-43, and he shall file such proclamations with the office of the city finance officer.

(Code 1986, § 15-44; Ord. No. 9654, § 8, 1-6-92)

Sec. 15-45. Substitution officers for mayor.

If the mayor is absent from the city, or is disabled, incapacitated or otherwise unable to act or function as mayor, then the powers vested in the mayor by this division shall vest in the following officials in the order named, depending on whether such officials are present in the city and are not disabled, incapacitated or otherwise unable to act or function as such official: (1) chairperson of the city council; (2) such other official as may be designated by the city council.

(Code 1986, § 15-45; Ord. No. 9654, § 91, 1-6-92)

Sec. 15-46. Penalty.

It shall be unlawful for any person to violate an order of the mayor issued and promulgated pursuant to a proclamation issued under the authority of this division. Each hour of violation, or part of an hour, shall be deemed a separate offense. Any person convicted of violating any order of the mayor as aforesaid shall be subject to punishment as provided in section 1-8 of this Code for each separate offense.

(Code 1986, § 15-46)