

COUNCIL OF THE DISTRICT OF COLUMBIA

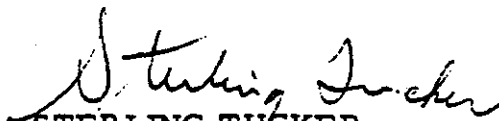
NOTICE

D. C. Law 2-74

"Energy Resources Shortages Act of 1977"

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. 2-124, on first and second readings October 11, 1977 and October 25, 1977, respectively. Following the signature of the Mayor on January 11, 1978, this legislation was assigned Act No. 2-152, published in the May 12, 1978, 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 2-74, effective April 20, 1978.

  
STERLING TUCKER  
Chairman of the Council

ACTIONS OF THE CITY COUNCIL

AN ACT

2-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 1978

To authorize the Mayor to take certain actions in connection with energy resources shortages.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Energy Resources Shortages Act of 1977".

Sec. 2. (a) As used in this act, the words "crisis", "disaster", "catastrophe", and "or similar public emergency" refers to a situation where the health, safety, or welfare of citizens of the District of Columbia is threatened by reason of an actual or impending acute shortage in usable energy resources.

(b) Upon reasonable apprehension of the existence of a public emergency and the determination by the Mayor that the issuance of an order is necessary for the immediate preservation of the public peace, health, safety, or welfare, the Mayor shall issue an Emergency Executive Order stating: (1) the existence, nature, extent, and severity of the emergency; (2) the measures necessary to relieve the emergency; (3) the specific requirements of the order and

the persons upon whom the order is binding; and (4) the duration of the order.

(c) An Emergency Executive Order may direct any person or group, or class of persons, in the District to reduce or otherwise alter the hours during which they conduct business or similar activity at premises established and maintained for a business, public, or other purpose, adjust temperature requirements, and may relate the requirements established in the Emergency Executive Order to the number of persons participating in the conduct of such business or similar activity. In the case of a business or activity that is conducted at more than one location or address, the total number of persons regularly engaged at each such location or address during a regular working day shall be used for purposes of determining the applicability of such Emergency Executive Order.

(d) Notwithstanding any provision of the Air Quality Control Regulations of the District of Columbia, Regulation 72-12, effective July 7, 1972, as amended, the Mayor may, by issuance of an Emergency Executive Order, direct any person, group, or class of persons in the District of Columbia to modify the type and quality of fuel oil used for the period during which the Emergency Executive Order is in effect.

(e) Any Emergency Executive Order shall be effective for a period of no more than fifteen (15) calendar days from the day it is signed by the Mayor, but may be rescinded by the Mayor within that period should the Mayor determine that the public emergency no longer exists.

(f) Any Emergency Executive Order may be extended at the conclusion of the fifteen (15) day period only upon request by the Mayor for the adoption of an emergency act by the Council of the District of Columbia. The issuance of such an extension shall be based upon the conditions, and include the terms, required by subsection (b) of this section.

(g) Upon the entry of any such Emergency Executive Order or the adoption of an emergency act by the Council of the District of Columbia, the Mayor shall forthwith cause the order or act to be published in the District of Columbia Register, in two (2) daily newspapers of general circulation

in the District of Columbia, and cause the posting of the order or act in public places in the District of Columbia.

(h) The Mayor may adopt and implement such rules and regulations as he or she may find to be necessary and appropriate to carry out the purposes of this act pursuant to the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501, et seq.). These rules and

regulations shall provide for procedures to identify the public emergency apprehension provided in subsection (b) of this section and plans for the implementation of this act. In proposing rules and regulations to carry out the purposes of this act, the Mayor shall give appropriate consideration to energy savings programs of retail establishments and of the need for special provisions concerning suppliers of essential services, such as energy suppliers and regulated public utilities and health care facilities.

(i) The Mayor may establish and implement regional programs and agreements for the coordination of energy resource programs and actions of the District of Columbia, taken pursuant to this act, with those of the federal government and other jurisdictions.

Sec. 3. An Emergency Executive Order promulgated by the Mayor or an emergency act of the Council adopted pursuant hereto may provide for the imposition of a civil penalty, not to exceed one thousand dollars (\$1,000) for each violation, in lieu of or in addition to the criminal penalties provided herein, and for the method and conditions of its collection. Violations of any order, rule or regulation adopted by the Mayor, or an emergency act of the Council of the District of Columbia adopted pursuant to this authority, shall be prosecuted in the name of the District

of Columbia by the Corporation Counsel or any of his or her assistants. In addition to the specific emergency powers provided herein, the Mayor or Council of the District of Columbia has full authority to implement the federal mandatory allocation program as set forth in the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), as well as, succeeding federal programs, laws, orders, rules, or regulations relating to the allocation, conservation, or consumption of energy resources, as provided in this act.

Sec. 4. No Emergency Executive Order promulgated by the Mayor pursuant to this act shall be subject to the contested case provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509).

Sec. 5. This act shall take effect as provided for acts of the Council of the District of Columbia in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 814; D.C. Code, sec. 1-147(c)(1)).