

# Proclamation

## SECOND AMENDED MAYOR DECLARED STATE OF EMERGENCY

**WHEREAS**, the National Weather Service has issued a Tropical Storm Watch/Warning for the City, beginning on September 25, 2024. Tropical Storm Helene, which is predicted to include heavy rainfall, flash flooding, significant flooding of streams/rivers, high winds and possible tornados which could result in downed trees, power outages and hazardous travel conditions for which the declaration of a state of emergency will trigger the ability to take measures to address all of the foregoing conditions as necessary; and

**WHEREAS**, on September 26, 2024, a state of emergency has been declared by the City of Hendersonville Mayor Barbara G. Volk to exist under N.C.G.S. § 166A-19.22, and as authorized by Hendersonville Code of Ordinances Chapter 36, Article V, Division 2, and; and

**WHEREAS**, the State of North Carolina has vested in the City Council and, where so ordained, the Mayor the power to issue such proclamations and any subsequent proclamations that may restrict movement and other actions during declared emergencies; and

**WHEREAS**, the City of Hendersonville was hit with extraordinary large amounts of rainfall, flooding, and high winds as part of Tropical Storm Helene, resulting in City-wide damage and destruction, having a devastating impact on the City at large, including but not limited blocked and flooded roadways, flooded homes, businesses and public facilities, and widespread power outages; and

**WHEREAS**, critical City infrastructure of the City, including the wastewater treatment plant have been impacted by the impacts of Helene, resulting in their temporary shutdown, and resulting in the necessary diversion of personnel to restore service; and

**WHEREAS**, these impacts of Helene have seriously impeded the ability of the City to clear roads, restore critical services, and respond to emergencies and needs in our community, and

**WHEREAS**, in order to enable City personnel, including but not limited to public works, fire, police and utilities, who are limited in number and resources due to the widespread devastation, to better respond to the impacts of Helene and to emergencies in the City, and to protect the public safety at large, I, as Mayor, find that it is necessary to restrict the movement of the public in and about the City, in an upon the streets and public vehicular areas, including both private streets and public streets (both State and City public streets);

**NOW, THEREFORE**, by the power vested in me by the State of North Carolina and pursuant to the City Code of Ordinances, Section 36-182, I, Barbara G. Volk, Mayor of the City of Hendersonville do hereby declare that a state of emergency is in effect, proclaim the effectiveness of emergency , and impose certain restrictions as follows:


1. This state of emergency is declared by the City of Hendersonville.
2. The state of emergency shall be in effect beginning at 8:00 AM on the 26<sup>th</sup> day of September, 2024.
3. The state of emergency covers the municipal boundaries of the City of Hendersonville, as well as all City-owned properties and facilities.
4. The City Manager is hereby authorized to take necessary actions and expend City funds to protect City facilities and the health, safety and welfare of Hendersonville citizens.
5. All special event permits are hereby revoked until the end of the state of emergency.

6. Pursuant to the authority of N.C.G.S. § 166A-19.31 and Section 36-184 of the Hendersonville City Code of Ordinances, I hereby impose a curfew of 8pm upon all inhabitants on the City. Such curfew shall restrict and prevent the presence and movement of people in public places, and shall restrict and prevent the presence and movement of all persons on and about all public and private streets, and public vehicular areas; provided however that such curfew shall not restrict the following:
- a. Law enforcement personnel in carrying out their lawful duties.
  - b. City and volunteer fire department personnel in the performance of their lawful duties.
  - c. All City and other publicly employed emergency personnel acting in an emergency management capacity in managing emergency response, and in otherwise responding to the impacts of Helene and emergencies in the City.
  - d. Utilities personnel (water, sewer, electric, telecommunications, gas, and any public utility provider) in the performance of their job-related duties, including but not limited to the repair and restoration of utility services.
  - e. Emergency medical personnel and first responders in the performance of their duties.
  - f. Other volunteers, City personnel, or other persons designated to act in an emergency management capacity by the City Police, City Fire, Public Works personnel, City Manager, or Assistant City Manager to respond to the impacts of Helene or respond to emergencies in the City.
  - g. Personnel employed by a medical facility, such as a hospital or urgent care center, traveling to and from work.
  - h. Persons traveling to and from work.
  - i. Persons traveling to and from essential services such as obtaining food and doing laundry, or obtaining medical care.

Such curfew shall be in effect from 10pm until 8am the following day for every day that this declaration is in effect, or until removed by amendment to this declaration.

7. The state of emergency is in effect until rescinded by the Mayor or Mayor Pro Tem.
8. The City Clerk and other persons designated by me are hereby directed to disseminate this declaration to the press and other news media and upon electronic distribution media controlled by the City of Hendersonville.

Amended and ratified on this the 4th day of October, 2024.

  
Barbara G. Volk, Mayor  
City of Hendersonville