

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. DIVISION " " DOCKET

CITY OF NEW ORLEANS

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DEPUTY CLERK

MAYORAL PROCLAMATION OF EMERGENCY
DUE TO POTENTIAL TROPICAL CYCLONE SIXTEEN
AND PARTIAL HOTEL COLLAPSE

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this City will be adequate to deal with such emergencies or disasters, and to preserve the natural resources of the City, lives, and property of the people of the City of New Orleans; and

WHEREAS, La. R.S. 29:727(F)(1) confers upon the Mayor the authority to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, a declaration of emergency is necessary to allow City agencies to thoroughly prepare for and respond to any eventuality and to allow state and federal agencies and state and federal resources to be deployed, if necessary; and

WHEREAS, the National Weather Service advised on Thursday, October 17, 2019, that a Tropical Storm Warning is in effect from Grand Isle, Louisiana to the mouth of the Pearl River due to Potential Tropical Cyclone Sixteen, otherwise known as Invest 96L, which means that tropical storm conditions are expected somewhere within the warning area within 36 hours; and

WHEREAS, the City of New Orleans may experience extreme weather as a result of Potential Tropical Cyclone Sixteen, including tropical storm force winds, intense thunderstorms and locally heavy rains that will likely produce flash flooding, and coastal and river flooding, expected to arrive **Friday, October 18, 2019**; and

WHEREAS, on October 12, 2019, the Hard Rock Hotel under construction at the intersection of Canal Street and North Rampart Street, with municipal address 1031 Canal Street, partially collapsed, resulting in loss of life, injuries to construction workers, extensive damage to the hotel under construction, construction debris falling onto surrounding streets and properties, and significant damage to property; and

WHEREAS, the partial collapse of the hotel required the City to stabilize the remaining structure and equipment to the extent possible, conduct an extensive search and rescue mission, mandate an evacuation of nearby structures, erect a protective barrier around the site, and close several city streets in order to protect the public; and

WHEREAS, due to the partial collapse and resulting evacuation area, transportation and commerce within the City are dramatically restricted and will be until the site is secured and remediated; and

WHEREAS, the risk of further collapse of the building, including the risk of massive construction cranes collapsing and falling, and the potential danger to the public and surrounding publicly and privately owned property, including potential damage to public utilities, constitute a threat to the lives and property of the people of the City of New Orleans; and

WHEREAS, the risk of further collapse is greatly exacerbated due to the expected tropical storm conditions that the City of New Orleans may experience as a result of Potential Tropical Cyclone Sixteen, including the unknown impact of strong winds and heavy rains on the partially collapsed building, construction cranes, and associated materials and debris; and

WHEREAS, normal day-to-day operations of City government, including public safety and emergency personnel and resources, have been dramatically affected by the partial collapse and ongoing response, which may hamper preparations for and the response to Potential Tropical Cyclone Sixteen; and

WHEREAS, the above-recited threats to the health, safety, welfare, and property of the residents of the City of New Orleans are now imminent and emergency action must be taken;

NOW THEREFORE, I, LATOYA CANTRELL, Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, by virtue of the authority vested in me as the Mayor of the City of New Orleans by the Constitution and laws of the State of Louisiana and the Home Rule Charter and laws of the City of New Orleans, do hereby declare pursuant to La. R.S. 29:727 that due to the above-recited circumstances, a disaster and state of emergency exists in the City of New Orleans, warranting the use of all extraordinary measures appropriate to ensure public health, safety, welfare, and convenience.

In furtherance of this declaration, the Superintendent of Police is hereby directed pursuant to the provisions of La. R.S. 40:1387, to take command and control of all peace officers and police officers within the City, when and if and to the extent that their services are needed to deal with the present emergency.

All available resources of the City of New Orleans and its boards and agencies are hereby ordered to be commandeered and utilized by the Emergency Authority for the purpose of performing or facilitating emergency services, when and if and to the extent that their resources are necessary to deal with the present emergency. The "Emergency Authority" as used in this Proclamation refers to the Superintendents of Police and of Fire under supervision of the Office of the Mayor through the Director of Homeland Security, or under direct supervision of the Office of the Mayor, all acting directly under the supervision and control of the Mayor of the City of New Orleans.

The direction, personnel, and functions of all local departments, agencies, and units are hereby transferred, to the extent necessary, to the Emergency Authority for the purpose of performing or facilitating emergency services.

The Emergency Authority may commandeer or utilize any private property if it finds this necessary to cope with the local disaster emergency.

The Emergency Authority, on my order as Mayor of the City of New Orleans and Chief Executive Officer of the Parish of Orleans, is hereby empowered to direct and compel the evacuation of any and all persons from any part of the City deemed by the Emergency

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Authority to be suitable for evacuation, if necessary for the preservation of life or other disaster mitigation, response, or recovery in accordance with the provisions of Ordinance No. 22,247 M.C.S.

The Emergency Authority is hereby empowered to prescribe the routes, modes of transportation, and destinations for such evacuation, if necessary, to control ingress and egress to and from the disaster area and the movement of persons and occupancy of premises therein.

Subject to the provisions of Act 275 of 2006 (Regular Session), the Emergency Authority is hereby empowered, if necessary, to suspend or limit the sale, dispensing, or transporting of alcoholic beverages, firearms, explosives, and combustibles.

The Emergency Authority is hereby empowered and directed in conjunction with HANO, HUD, and any other appropriate agencies, public and private, to make provisions for the availability and use of temporary emergency housing, if necessary.

The Superintendents of Fire and Police are directed to take all necessary steps within legal bounds to ensure that no looting or arson occurs within any area ordered evacuated.

The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

The City Attorney is directed to file this proclamation promptly in the office of the Clerk of Court.

IN WITNESS wherefore I have fixed my hand and the seal of the City of New Orleans this 17th day of OCTOBER, 2019.



LATOYA CANTRELL, MAYOR