

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. **23-7793**

DIVISION **N-8**

CITY OF NEW ORLEANS

CIVIL DISTRICT COURT

2023 AUG -8 PM 12:09

FILED

FILED: _____

DEPUTY CLERK

MAYORAL PROCLAMATION OF EMERGENCY
DUE TO EXCESSIVE HEAT WARNINGS

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, August 8, 2023, marks the ninth (9th) consecutive excessive heat warning – that is, a heat index of 115 degrees Fahrenheit or higher – and 17th excessive heat warning in 2023 forecasted for the City, and the National Weather Service has predicted that the current heat wave does not have a clear end in sight; and

WHEREAS, there have been thirty-seven (37) days in 2023 that have felt like 108 degrees Fahrenheit or hotter, recorded temperatures have remained in the mid to high 80's overnight, and these temperatures are not dropping low enough for the body to cool off from extreme daytime heat; and

WHEREAS, NOEMS has received approximately five times the number of heat-related calls in comparison to a 4-year average and there have been five confirmed heat-related deaths in 2023 so far; and

WHEREAS, lack of rain and hot temperatures are two major factors in outdoor fires, trash fires, and vegetation fires. As a result, there have been an increase of twenty-four (24) vegetation fires for 2023, with two active vegetation fires in Orleans Parish; and

WHEREAS, NORDC is working to maintain cooling centers seven days per week, overnight cooling centers when local shelters are at capacity, and assisting with supply and delivery of 120 cases of water per day to homeless shelters and camps; and

WHEREAS, in the event of a major or catastrophic hurricane, any significant power utility disruption while under extreme heat conditions will likely greatly increase the danger of injury or death, especially among the elderly and vulnerable, due to heat related illnesses;

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 Emergency Authority is hereby authorized to undertake any activity authorized by law which is necessary and appropriate in response to this declaration, and all city agencies are hereby authorized to take any actions directed by the Emergency Authority in response to this emergency, to include the receipt of direct support from the federal government and State of Louisiana.

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 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 and arrange for it to be given prompt and general publicity.

WITNESS my hand in New Orleans, Louisiana this 8th day of August 2023.



LATOYA CANTRELL, MAYOR