

CITY OF ASHEVILLE

PROCLAMATION

WHEREAS, the City of Asheville has recently experienced protests relating to the enduring problem of police brutality generally, and the unlawful and unjustified killing of George Floyd on May 25, 2020 specifically; and

WHEREAS, the City of Asheville has, through its Mayor, City Council, City Manager, and Police Chief, decried the criminal actions that resulted in George Floyd's death at the hands of a Minneapolis police officer; and

WHEREAS, the City of Asheville encourages and respects the importance of peaceful protest as a vital tool of democracy; and

WHEREAS, while the majority of protestors within the City of Asheville have conducted themselves in a peaceable and respectful manner, some have resorted to violence and destruction of property in the course of the recent protests within the City; and

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 166A-19.22 to declare a city-wide State of Emergency; and

WHEREAS, the City's ability to declare a State of Emergency has been vested in the City's Mayor pursuant to Section 2-2 of the City of Asheville's Code of Ordinances; and

WHEREAS, the adoption of this State of Emergency shall have no impact on the continued existence and application of the City's March 12, 2020 State of Emergency declaration, and amendments thereto, pertaining to the novel coronavirus known as COVID-19;

NOW, THEREFORE, by the authority vested in me by the laws of the State of North Carolina as the Mayor of the City of Asheville, **IT IS ORDERED:**

Section 1. State of Emergency

I hereby declare a State of Emergency as defined in N.C. Gen. Stat. § 166A-19.3(6) and N.C. Gen. Stat. § 166A-19.3(19) for the City of Asheville based on the public risks posed by recent protests within the City of Asheville.

The emergency area, as defined in N.C. Gen. Stat. § 166A-19.3(7) is the entirety of the City of Asheville.

Section 2. Limitations on Organized Assemblages on City-Streets and City-Owned Property

Pursuant to N.C. Gen. Stat. § 166A-19.31(b)(1) and Section 2-2(e)(3) and (5) of the Asheville City Code of Ordinances, it shall be prohibited for any person or group of persons to assemble on streets or sidewalks within the City of Asheville, or on property owned by the City of Asheville, or to travel upon any public street, ally or roadway, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof between the hours of 8:00 PM and 6:00 AM until this Declaration has been rescinded. This prohibition shall be construed to specifically prohibit demonstrations from occurring on any public ways or on public property between the hours of 8:00 PM and 6:00 AM. These regulations shall not apply to members of law enforcement, first responders, medical providers, or transit operators and those riding transit.

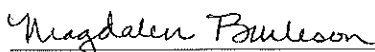
Section 3. Term and Future Modification

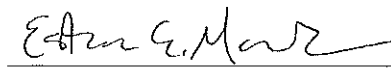
The State of Emergency declared herein shall continue until it is expressly rescinded. Pursuant to Section 2-2(f), the provisions of this Proclamation may be amended by the issuance of a subsequent proclamations as conditions warrant.

Section 4. Dissemination

The City directs that copies of this Proclamation be disseminated to the mass communications media for publication and broadcast, and that a copy of this Proclamation be posted at City Hall, and other City-owned buildings as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Asheville, North Carolina, to be affixed this 2nd day of June, 2020.


Magdalen Burluson, City Clerk


Esther E. Manheimer, Mayor