

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
CHAPTER 46 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE
TO REQUIRE A FRANCHISE TO OPERATE CERTAIN ENTERPRISES IN THE CITY OF
HENDERSONVILLE**

WHEREAS, the City of Hendersonville is authorized by N.C.G.S. § 160A-319 to require that certain enterprises listed in N.C.G.S. § 160A-311 (with the exception of cable television) obtain a franchise before operating within the City limits for the City of Hendersonville if the City has granted any such franchises; and

WHEREAS, the City of Hendersonville has granted franchises to operate those enterprises within the City of Hendersonville, with the most recently adopted franchise being that franchise granted by ordinance to Public Service Company of North Carolina dba Dominion Energy; and

WHEREAS, City Council for the City of Hendersonville wish to require that such enterprises obtain a franchise prior to operating within the City of Hendersonville;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HENDERSONVILLE, NORTH CAROLINA THAT:**

SECTION 1. This Ordinance shall be known as “An Ordinance to Require N.C.G.S. § 160A-319 Enterprises to Obtain a Franchise Before Operating Within City Limits.”

SECTION 2. That there shall be added a new Article VII of Chapter 46 of the Code of Ordinances, City of Hendersonville, North Carolina, to read as follows:

CHAPTER 46 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VII. – Franchise Required to Operate Certain Enterprises

Sec. 46-187. Franchise Required

It shall be unlawful to operate any of the following enterprises within the City limits for the City of Hendersonville without having first been granted a franchise by ordinance of the City Council for the City of Hendersonville pursuant to N.C.G.S. § 160A-319:

(1) Electric power generation, transmission, and distribution systems.

(2) Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas.

SECTION 3. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 4. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____, 2026.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney