

CITY OF DAVIS EXECUTIVE PROCLAMATION AND ORDER NO. 01-2020

**EMERGENCY PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF DAVIS PROCLAIMING THE EXISTENCE OF A LOCAL
EMERGENCY RELATING TO AIRBORNE PARTICULATE MATTER AND OTHER
POLLUTANTS DURING THE ONGOING COVID-19 PANDEMIC AND WILDFIRES
BURNING ACROSS THE STATE, AND ORDERING A PROHIBITION ON THE USE
OF LEAF BLOWERS**

WHEREAS, Section 8630 of the Government Code and Section 9.01.060 of the City of Davis Municipal Code authorize the City Manager, acting as the Director of Emergency Services, to proclaim the existence of a local emergency, as defined in Section 8558(c) of the Government Code, when the City Council is not in session; and

WHEREAS, such proclamation of a local emergency must be ratified by the City Council within seven (7) days or such proclamation shall have no further force and effect; and

WHEREAS, Section 8634 of the Government Code provides that during a proclaimed local emergency, the City Manager, acting as Director of Emergency Services, may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, Section 9.01.060 of the Davis Municipal Code authorizes the City Manager, acting as Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by a state of emergency; and

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the first case of COVID-19 in Yolo County was confirmed, with the second case confirmed on March 13, 2020; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 17, 2020, the City Council proclaimed the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Yolo County Health Officer have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on August 14, 2020, California began experiencing an “Extreme Heat Event” that caused record-breaking temperatures and Red Flag warnings throughout the state; and

WHEREAS, on August 16, 2020, the Governor of the State of California proclaimed a state of emergency to exist due to the Extreme Heat Event; and

WHEREAS, in addition to the fire conditions being exacerbated by extreme temperatures, the Extreme Heat Event resulted in widespread lightning strikes, sparking hundreds of wildfires throughout the State; and

WHEREAS, on August 18, 2020, the Governor of the State of California proclaimed a state of emergency to exist due to the fires burning statewide; and

WHEREAS, August 22, 2020, the President of the United States of America declared that a major disaster exists in the State of California and ordered federal aid to supplement State, tribal, and local recovery efforts in areas affected by wildfires; and

WHEREAS, the City of Davis, like communities across the western United States, has experienced severely deteriorated air quality due to the wildfires currently burning in California, with air quality on many days rating “unhealthy for sensitive groups,” “unhealthy,” and “very unhealthy” according to the U.S. EPA’s Air Quality Index, with nearby areas experiencing “hazardous” air quality; and

WHEREAS, wildfire smoke contains a mixture of harmful air pollutants, including particulate matter that can irritate the eyes and lungs, cause pulmonary inflammation, alter immune function, increase susceptibility to respiratory illness, and exacerbate existing health conditions such as asthma, respiratory and cardiac distress, chronic obstructive pulmonary disorder, and other lung diseases; and

WHEREAS, PM10 particles can migrate up to 30 miles and stay in the air for hours, while PM2.5 particles can migrate hundreds of miles and stay in the air for days or weeks; and

WHEREAS, gas-powered leaf blowers with two-stroke engines contribute to air pollution by emitting particulate matter and ozone-forming chemicals, and both gas-powered and electric leaf blowers contribute to air pollution by blasting air at high velocities to move leaves and other target debris, which also has the effect of making airborne particulate matter (including wildfire ash) that had settled on the ground or other surfaces; and

WHEREAS, although there have yet to be studies that specifically examine the effect of wildfire smoke on COVID-19, recent scientific research suggests that air pollutant exposure worsens COVID-19 susceptibility, symptoms and outcomes; and

WHEREAS, on September 22, 2020, the City Council discussed the severe public health risks related to air quality conditions experienced in the City in August and September, and that a temporary ban on the use of leaf blowers may be necessary due to local AQI values in excess of 100 (unhealthy for sensitive groups), the presence of wildfire ash, and/or future air quality forecasts; and

WHEREAS, on 9/26/2020 the City experienced worsening air quality conditions with Air Quality Index (AQI) numbers reaching above 100 (specifically the AQI is 137 as of 2:40 PM on 9/26/2020), presence of wind and wildfire ash, and predicted AQI numbers above 100 expected for the next several days; and

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19 and the airborne particulate matter and other pollutants resulting from the wildfires burning across the state, it is necessary to exercise the authority pursuant to Section 9.01.060 of the City of Davis Municipal Code, and Section 8634 of the Government Code, to issue this order; and

WHEREAS, the City Council is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the City Manager of the City of Davis, acting as the Director of Emergency Services, as follows:

Section 1. Incorporation by Reference. The recitals set forth above are true and correct and are incorporated into this Proclamation and Order by reference.

Section 2. Proclamation of a Local Emergency. The City Manager, acting as Director of Emergency Services, hereby declares and proclaims that conditions of extreme peril to the safety of persons and property have arisen throughout the City of Davis and the surrounding region and a local emergency exists in the City of Davis.

Section 3. Ban on Leaf Blowers.

A. **Order.** Notwithstanding Section 24.02.040(b) of the Davis Municipal Code, the operation of all gas powered and electric leaf blowers (powered blowers) is hereby prohibited within the City of Davis in order to preserve the public health and safety until the local emergency proclaimed herein is terminated by the City Manager, acting as the Director of Emergency Services, or by the City Council.

B. **Exception.** The Director of Public Works Operations & Utilities (“Director”) may authorize City staff to operate a leaf blower for a limited period of time during the state of local emergency proclaimed herein, if such use is necessary to clear obstructions from the public right-of-way that pose an immediate threat to public health or safety.

C. **Notice.** The Director is authorized to provide notice to the public of the temporary ban on the City’s website and by any other means he determines is necessary or advisable.

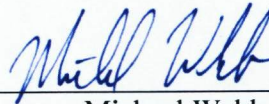
D. **Enforcement.** Any violation of this Order is subject to an administrative citation pursuant to the procedures set forth in Article 1.02 of the Davis Municipal Code.

Section 4. Ratification. The local emergency proclaimed herein, and the prohibition on the operation of leaf blowers ordered pursuant thereto, shall be ratified and confirmed by the City Council within seven (7) days or shall have no further force and effect.

Section 5. Severability. If any section, subsection, sentence, clause phrase or portion of this Proclamation and Order is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Proclamation and Order. The City Manager, acting as Director of Emergency Services, declares that he would have issued this Proclamation and Order and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

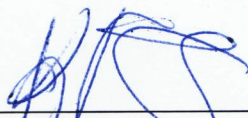
Section 6. Publication. This Proclamation and Order shall be given widespread publicity and notice in accordance with Section 8634 of the Government Code.

PROCLAIMED AND ORDERED by the City Manager, acting as the Director of Emergency Services, this 26th day of September 2020.



Michael Webb
City Manager / Director of Emergency Services

ATTEST:



Zoe S. Mirabite, CMC
City Clerk