

## STAFF REPORT

**DATE:** October 6, 2020

**TO:** City Council

**FROM:** Stan Gryczko, Public Works Utilities and Operations Director  
Inder Khalsa, City Attorney  
Adrienne Heinig, Management Analyst

**RE:** Resolution Ratifying Emergency Proclamation and Order No. 02-2020 Issued by the City Manager, Acting as Director of Emergency Services, to Address Air Quality During the COVID-19 Pandemic and Temporarily Ban the Use of Leaf Blowers

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### **Recommendations**

Adopt a resolution ratifying the proclamation of a local air quality emergency and order authorizing the City Manager, acting as Director of Emergency Services, to impose a temporary ban on the use of leaf blowers and authorizing the Director of Public Works Utilities & Operations, acting as Assistant Director of Emergency Services, to suspend and reinstate the ban as needed, depending on air quality conditions, the presence of wildfire ash, future air quality forecasts, and/or forecasted smoke conditions for the region.

### **Fiscal Impact**

The cost to prepare, administer, implement and enforce the emergency declaration and order will be paid out of the existing City Manager's Office, Police Department and Public Works Utilities & Operations budgets.

### **Council Goals**

This item is consistent with the Council Goals to Pursue Environmental Sustainability and Ensure a Safe, Healthy, Equitable Community.

### **Background and Analysis**

During an extreme heat event experienced by the State of California in August of this year, lightning storms contributed to the start of hundreds of wildfires, blanketing the valley areas of California in wildfire smoke. For weeks, the air quality index in the City of Davis surpassed levels unhealthy for sensitive groups. In addition to the unhealthy air quality, ash from the wildfires settled in Davis, causing concern in the community about the particulates in the already unhealthy air, and questions about the use of leaf blowers, which could exacerbate the situation by blowing more particulates into the air. Concerns about air quality have also been compounded by the ongoing COVID-19 pandemic, in which the highly contagious respiratory virus can cause significant health impacts. Recent research has suggested that poor air quality can contribute to increased susceptibility to COVID-19.

At the City Council meeting on September 22, 2020, the Council considered whether to adopt an urgency ordinance imposing a flat ban on leaf blowers through the end of October. Given variations in air quality during the previous month, Council rejected the urgency ordinance approach, but discussed the public health risks related to air quality conditions experienced in the City in August and September. Council discussed whether a temporary ban on the use of leaf blowers imposed by the City Manager through emergency order may become 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.

On September 26, 2020, the City Manager, acting as Director of Emergency Services, issued Executive Proclamation and Order No. 01-2020 proclaiming a local air quality emergency in the City of Davis and issuing an emergency order prohibiting the use of leaf blowers within the City in order to preserve the public health and safety. The City Manager issued the emergency proclamation and order due to worsening air quality conditions in the City with AQI numbers reaching above 100, the forecast of higher temperatures, the presence of windy conditions and wildfire ash, the potential for new fires to provide more ash in the local area, and predicted AQI numbers above 100 for the following days.

This emergency proclamation and order expires after seven days if not ratified by City Council, but as of the time of release of this staff report, the City Manager has issued a subsequent proclamation and order on Friday, October 2 due to persistent AQI and ash conditions, largely due to the smoke in the area from the Zogg and Glass Incident fires in the Napa/Sonoma region, which started on Sunday, September 27, and local, smaller fires.

This subsequent Executive Proclamation and Order No. 02-2020 authorizes the Director of Public Works Utilities & Operations, acting as Assistant Director of Emergency Services, to reinstate the temporary ban on the operation of all powered blowers. The emergency order provides that the conditions that will result in the reinstatement of the ban include AQI values exceeding 100, the presence of wildfire ash settled on the ground or other surfaces, and future air quality forecasts.

Finally, the proclamation and order authorizes the Director of Public Works Utilities & Operations to suspend the temporary ban on the operation of all powered blowers if AQI values for the City are below 100 for three (3) consecutive days. The order provides that the Director of Public Works Utilities & Operations will also consider the accumulation of wildfire ash on the ground or other surfaces and forecasted smoke conditions for the region in his decision to suspend the ban.

This second Executive Proclamation and Order No. 02-2020, and the local emergency and order therein, will expire in seven days unless it is ratified by the City Council this evening.

As demonstrated on Sunday, the wildfire season in Northern California has not reached its peak. Dry conditions across the region, along with more frequent wind events, have contributed to the continuation of significant fire risks. According to the National Significant Wildland Fire Potential Outlook, issued on September 1, 2020 by the National Interagency Fire Center, “Above normal large fire potential is expected across all areas in northern California in September with central and northern California and the Bay Area remaining above average in October.” As of the completion of this report, new fires have ignited, and existing fires across the region remain active, and (although the region experienced better air quality in recent weeks) smoke continues to blanket the state, as shown in the map in Figure 1 (showing smoke and fire events from October 1, 2020). Wind patterns also continue to shift, and red flag warnings are prevalent across the State. Davis is indicated on the map with the red marker.

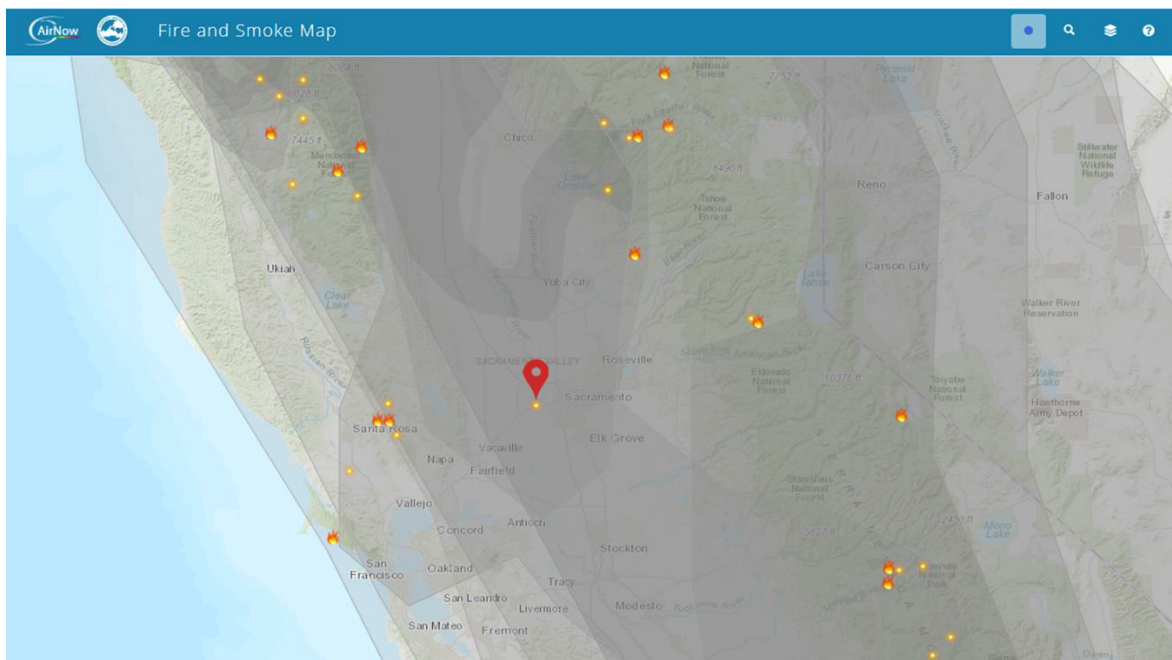


Figure 1 – Northern California Fire and Smoke Map, Source: [fire.airnow.gov](https://fire.airnow.gov)

The proposed resolution would ratify Executive Proclamation and Order No. 02-2020, which would prevent the current emergency declaration and order from expiring. Instead, the local air quality emergency and order would remain in effect until terminated by the City Council. If unhealthy air quality and particulate matter from wildfires are still present through October and November, the resolution would permit the City Manager and the Director of Public Works Utilities & Operations to impose, suspend, and reinstate the ban on leaf blowers as needed.

### **Communication of the Order/Ban on Leaf Blowers**

There has been confusion about what action on leaf blowers was taken by City Council. Some members of the community are under the impression that a temporary ban on leaf blowers began on September 15, or on September 22, when the topic of a ban was brought before the Council for discussion. Some members of the community remain unaware that there is a current ban on leaf blower use based on the City Manager's emergency declaration and associated order from September 26. Part of the confusion may stem from the initial unanimous direction Council gave staff on September 15 to bring back an urgency ordinance to ban leaf blowers until October 31, which was reported in the Davis Enterprise, and may have given the impression that the temporary ban had already been enacted. The subsequent discussion by Council instead shifted to a nimbler ban, implemented only when air quality is poor and the other conditions are present. This action is more nuanced, and not as clear-cut in reports.

While a press release was issued on the direction from Council at the meeting on September 22, and two articles (about the Council discussion and the declaration of emergency) were published in the Davis Enterprise and circulated on local media, the lion's share of the outreach associated with the temporary ban and poor air quality will be received by the community this week and next. Utility bill inserts, letters to area landscape companies, the GreenerDavis newsletter and the Senior Scene all contain information on the ban. This is in addition to the webpage created for the action that is linked via the Spotlight Section of the City's homepage, which was mentioned in the press releases and news articles.

As this is the first time that the City has undertaken this type of approach to ban the use of equipment, staff has carefully considered the questions and comments submitted by the community. Questions received by staff have largely revolved around how the ban is enforced, when the ban was put into effect, and if the ban is still in place, as well as clarification on whether or not the current ban is permanent. Staff have worked with the residents to address the questions, to modify outreach materials and develop tools as needed to respond to the concerns. New materials, as developed, will be posted on the City's webpage detailing the ban: <https://www.cityofdavis.org/city-hall/public-works-utilities-and-operations/environmental-resources/emergency-action-on-leaf-blowers>

Comments received by staff have been wider-ranging. These comments, along with a brief response from staff, are included below.

#### *City Notification of the Ban*

The City has received a number of comments around public awareness of the temporary ban on the use of leaf blowers, and concerns that the information has not reached the wider community with enough speed. Staff acknowledges (and has previously acknowledged) that it will often take time for new policies and information to be received widely in the community. As has been previously stated, the notification systems reach

those who have signed up, emails reach those who have provided emails, news articles reach those who subscribe, etc., and often these messages can be in competition with other important topics, such as the upcoming election, local fire updates, and news of importance to the community.

#### *Timing of the Implementation and Suspension of the Ban*

Community members have reached out to request that the City lift and enact the ban throughout the day, as air quality conditions change. It has been suggested that this type of action would result in less of an impact to the landscape companies who work in Davis. The challenge with this approach is largely one of outreach (especially if the mechanism of notification is not widely understood) and would likely result in significant confusion among residents and contractors on whether or not a ban is in effect. In addition, wind shifts and other weather patterns can impact air quality multiple times throughout the day, and the City does not currently have the resources to notify and enforce implementation *and* suspension of the ban throughout the day.

#### *Restrictions on Leaf Blowers and the On-Street Yard Material Collection Schedule*

Of significant concern to members of the community is the amount of leaves that have already fallen in Davis (likely partially related to the heavy presence of smoke in the area since August) and the lack of on-street yard material collection, as the seasonal collection begins in the third week of October. These comments are important to consider, and will be included during discussions with the Natural Resources Commission (NRC) and other Commissions on the upcoming consideration of permanent changes to the leaf blower ordinance.

#### *Restrictions on Other Gas and Smoke Producing Equipment*

Discussions with the City Council, and ultimate action taken by the City Manager to ban leaf blowers focusing on air quality concerns, a number of comments have requested bans on other smoke-producing or gas-using equipment within the community. These comments will also be included in the discussions with the NRC and other Commissions.

#### *The Timing and Approach to Enforcement*

Lastly, frustration has been expressed in the timing of enforcement. As the leaf blowing activity is often undertaken quickly, by the time the violation of the ban is called in and Code Enforcement staff are able to respond, the activity has been completed and the use of the leaf blower has ended. In addition, comments have been received expressing frustration in the education-first approach taken by the city. Staff have mailed notifications to all licensed landscape companies in Davis and Woodland about the ban, and handouts with information on the ban, how it is enforced and how to check if the ban is in place have been posted on the City's leaf blower webpage for the community to print and distribute.

**Attachments**

1. A Resolution of the Davis City Council Ratifying the Proclamation of a Local Air Quality Emergency and Order Prohibiting the Use of Leaf Blowers By the City Manager, Acting as Director of Emergency Services
2. Emergency Order Effective October 2, 2020

**RESOLUTION NO. [REDACTED]**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS RATIFYING THE PROCLAMATION A LOCAL AIR QUALITY EMERGENCY AND ORDER PROHIBITING THE USE OF LEAF BLOWERS BY THE CITY MANAGER, ACTING AS DIRECTOR OF EMERGENCY SERVICES**

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, 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 September 26, 2020, the City Manager, acting as Director of Emergency Services, issued Executive Proclamation and Order No. 01-2020 proclaiming a local air quality emergency in the City of Davis and issuing an order temporarily prohibiting the use of powered leaf blowers in order to preserve the public health and safety due to worsening air quality



conditions in the City with AQI numbers reaching above 100, the forecast of higher temperatures, the presence of windy conditions and wildfire ash, the potential for new fires to provide more ash in the local area, and predicted AQI numbers above 100 for the following days; and

WHEREAS, on October 3, 2020, Executive Proclamation and Order No. 01-2020, and the local air quality emergency and order therein, expired because it was not ratified by the City Council; and

WHEREAS, due to persistent AQI and ash conditions, along with forecasted smoke conditions for the region, on October 2, 2020, the City Manager, acting as Director of Emergency Services, issued a subsequent Executive Proclamation and Order No. 02-2020 proclaiming a local air quality emergency in the City of Davis and issuing an order authorizing the City Manager, acting as Director of Emergency Services, to impose a temporary ban on the use of leaf blowers and authorizing the Director of Public Works Utilities & Operations, acting as Assistant Director of Emergency Services, to suspend and reinstate the ban as needed, depending on air quality conditions, the presence of wildfire ash, future air quality forecasts, and/or forecasted smoke conditions for the region; and

WHEREAS, Executive Proclamation and Order No. 02-2020 will expire on October 9, 2020, unless it is ratified by the City Council within seven (7) days; and

WHEREAS, the existing fires across the region remain active, and the wildfire season in Northern California has not yet reached its peak, as dry conditions across the region, along with more frequent wind events, have contributed to the continuation of significant fire risks;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Ratification and Confirmation of Executive Proclamation and Order No. 02-2020.** The City Council of the City of Davis hereby ratifies and confirms the Director of Emergency Services' Executive Proclamation and Order No. 02-2020 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.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Davis on this 6th day of October, 2020 by the following vote:

AYES:  
NOES;  
ABSENT:

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Gloria Partida, Mayor

City Manager / Director of Emergency Services

ATTEST:

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Zoe S. Mirabile, CMC  
City Clerk

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**CITY OF DAVIS EXECUTIVE PROCLAMATION AND ORDER NO. 02-2020**

**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, Section 9.01.050 of the Davis Municipal Code authorizes the City Manager, acting as Director of Emergency Services, to appoint the Assistant Director of Emergency Services; and

WHEREAS, Section 9.01.060 of the Davis Municipal Code provides that the Assistant Director of Emergency Services shall have the powers and duties assigned by the City Manager, acting as Director of Emergency Services; 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 September 26, 2020, the City Manager, acting as Director of Emergency Services, declared a local air quality emergency in the City and ordered a temporary ban on the use of powered leaf blowers in order to preserve the public health and safety; and

WHEREAS, on October 2, 2020 the City continues to experience air quality above 100 AQI and persistent ash from existing and new wildfires in the region, and air quality conditions forecasted to remain in an unhealthy category; 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. Assistant Director of Emergency Services.** The City Manager, acting as Director of Emergency Services, hereby appoints the Director of Public Works Utilities and Operations as Assistant Director of Emergency Services.

**Section 4. Temporary Ban on Leaf Blowers.**

A. Order. Notwithstanding Section 24.02.040(b) of the Davis Municipal Code, the City Manager, acting as Director of Emergency Services, is hereby authorized during the local emergency proclaimed herein to impose a temporary ban on the operation of all gas powered and electric leaf blowers (powered blowers) within the City of Davis in order to preserve the public health and safety. The conditions that will result in the imposition of a ban on the operation of all powered blowers include AQI values exceeding 100 (unhealthy for sensitive groups), the presence of wildfire ash settled on the ground or other surfaces, and future air quality forecasts.

B. Suspension and Reinstatement of Ban. The Director of Public Works Utilities and Operations, acting as Assistant Director of Emergency Services, is hereby authorized, but not required, to suspend the temporary ban on the operation of all powered blowers if AQI values for the City of Davis are below 100 for three (3) consecutive days. The Director of Public Works Utilities and Operations will also consider the accumulation of wildfire ash on the ground or other surfaces and forecasted smoke conditions for the region in his decision to suspend the ban.

The Director of Public Works Utilities and Operations, acting as Assistant Director of Emergency Services, may subsequently reinstate the temporary ban on the operation of all powered blowers. The conditions that will result in the reinstatement of the ban include AQI values exceeding 100 (unhealthy for sensitive groups), the presence of wildfire ash settled on the ground or other surfaces, and future air quality forecasts.

C. Exception. The Director of Public Works Utilities and Operations 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.

D. Notice. The Director of Public Works Utilities and Operations 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.

E. 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 5. Ratification.** The local emergency proclaimed herein, and the temporary ban 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 6. 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 7. 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 2nd day of October 2020.



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Mike Webb  
City Manager / Director of Emergency Services

ATTEST:



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Zoe S. Mirabile, CMC  
City Clerk