

RESOLUTION NO. 2025-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA AMENDING AND ADDING ADMINISTRATIVE CITATION FINES FOR CODE VIOLATIONS AND FINDING THE SAME EXEMPT FROM CEQA

WHEREAS, Chapter 2 (“Administration”), Article X (“Code Enforcement”) of the Pomona City Code (“Code”) provides an administrative citation program as an alternative method of enforcement for violations of the Code and any other city ordinances;

WHEREAS, Section 2-1187 of the Code authorizes the amount of administrative fines to be determined by resolution of the city council, which shall include penalty charges for late payments and increased fines for repeated violations;

WHEREAS, the existing administrative citation fines were adopted by Resolution No. 2002-37 in 2002 and have not been updated since;

WHEREAS, the administrative fines and penalties for violations of the Pomona Code are presently the same for all types of violations, and are of progressively greater amounts for each successive identical violation, with a maximum administrative fine of \$500;

WHEREAS, the City seeks to declare fourth and subsequent violations of the same code section by the same person as a misdemeanor with a fine of up to \$1,000 in compliance with Government Code Section § 36900;

WHEREAS, classifying repeated violations as misdemeanors will encourage prompt abatement or correction of prohibited conditions, uses or activities in the City; and creates deterrence against future violations of the City's codes; and

WHEREAS, the City seeks to add administrative citation fines for building and safety code violations in compliance with Government Code Section § 36900 to protect the public health, safety and welfare of the community; and

WHEREAS, adoption of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15061(b)(3), the general rule that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The amendments made by this ordinance do not have the potential to cause a significant effect on the environment because they authorize no new development or use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The amount of administrative fines shall be set as follows:

- (1) A fine not exceeding one hundred dollars (\$100) for a first violation of a code provision.
- (2) A fine not exceeding two hundred dollars (\$200) for a second violation of the same code provision within a twelve-month time period.
- (3) A fine not exceeding five hundred dollars (\$500) for a third violation of the same code provision within a twelve-month time period.
- (4) Fourth and subsequent violations of the same code provision within a twelve-month time period may be punishable as a misdemeanor, with a fine of not more than one thousand dollars (\$1,000), imprisonment in the city or county jail for not more than six months, or both such fine and imprisonment.

SECTION 2. Notwithstanding any other law, a violation of building and safety codes is punishable by the following:

- (1) A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
- (2) A fine not exceeding seven hundred dollars (\$700) for a second violation of the same code provision within a twelve-month time period.
- (3) A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same code provision within a twelve-month period.
- (4) A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the same code provision within twenty-four months of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

SECTION 3. The City Council hereby establishes a late penalty fee of fifty percent (50%) of any applicable fine that is not paid by its due date.

SECTION 4. CEQA Determination. The City Council finds that this Resolution is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15061(b)(3) as there is no potential for physical changes to the environment. Section 15061(b)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. The amendments made by this Resolution do not have the potential to cause a significant effect on the environment because they authorize no new development or use.

SECTION 5. Severability. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

SECTION 6. Effective Date. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall thereupon be in full force and effect upon its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2025.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on March 17, 2025 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rosalia A. Butler, MMC
City Clerk