



CITY OF POMONA COUNCIL REPORT

March 17, 2025

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Betty Donovanik, Development Services Director

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 4355, AMENDING POMONA CITY CODE CHAPTER 18 (“ENVIRONMENT”) PERTAINING TO REGULATING THE BUILT AND NATURAL ENVIRONMENT; ORDINANCE NO. 4358, AMENDING CHAPTER 2 (“ADMINISTRATION”), ARTICLE X (“CODE ENFORCEMENT”) PERTAINING TO ADMINISTRATIVE CITATION FINES FOR CODE VIOLATIONS; AND ADOPTION OF RESOLUTION NO. 2025-38 TO ADD SAID FINES

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Conduct a public hearing and receive public testimony;
- 2) Introduce, waive further, and give first reading to the following ordinance (Attachment No. 1):

ORDINANCE NO. 4355 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE CHAPTER 18 (“ENVIRONMENT”) PERTAINING TO REGULATING THE BUILT AND NATURAL ENVIRONMENT

- 3) Introduce, waive further and give first reading to the following ordinance (Attachment No. 3):

ORDINANCE NO. 4358 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE X (“CODE ENFORCEMENT”) PERTAINING TO ADMINISTRATIVE CITATION FINES FOR CODE VIOLATIONS

- 4) Adopt the following resolution (Attachment No. 4):

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

EXECUTIVE SUMMARY:

Proposed Ordinance No. 4355 would amend Chapter 18 (“Environment”) of the Pomona City Code (“Code”) to: streamline property maintenance regulations into a single Article; update outdated definitions; and address enforcement concerns for issues that are not explicitly addressed in the current Chapter.

Proposed Ordinance No. 4358 and Resolution No. 2025-38 would amend Chapter 2 (“Administration”), Article X (“Code Enforcement”) to: declare fourth and subsequent Code violations as misdemeanors; and add administrative citation fines for building and safety code violations.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

It is estimated that the proposed administrative citation fines issued would increase by approximately 25% of the citation amounts currently being issued by the Code Compliance Division.

PUBLIC NOTICING REQUIREMENTS:

A notice of public hearing (Attachment No. 5) was sent to the Inland Valley Daily Bulletin with the publication date of March 3, 2025 and March 10, 2025.

PREVIOUS RELATED ACTION:

On March 4, 2002, the City Council adopted Resolution No. 2002-37 establishing administrative fine amounts for violations of the Code. The administrative fine amounts have not been updated since City Council's action in 2002.

ENVIRONMENTAL IMPACT:

The subject ordinances and resolution would be exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15061 (b)(3). This section is the "common sense exemption" that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. If the Lead Agency can determine that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Pursuant to this section, the proposed amendment fits within the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The amendments made by the ordinances do not have the potential to cause a significant effect on the environment because they authorize no new development or use.

DISCUSSION:

The Pomona Zoning Ordinance, which was the City's long-standing zoning document from the 1949 until its overhaul in 2024, contained property maintenance regulations and abatement procedures in Section .600 that were relied upon regularly by the Code Compliance Division. These regulations did not carry over into the new code, as the new, form-based modular zoning code did not lend itself to a clean transfer of these provisions. Staff determined that it would be most appropriate for property maintenance and abatement procedures to be in Chapter 18 of the Pomona City Code. Chapter 18 regulates, among other matters, public nuisance in the built environment such as abandoned buildings, vacant lots, abandoned shopping carts, noise, and weeds and rubbish, along with the natural environment, such as stormwater regulation.

In analyzing Chapter 18, Staff determined that there were multiple outdated and unused provisions regulating the built environment in Pomona as many of these codes were written in 1959. Staff then established five (5) goals to guide this amendment. The purpose of this code amendment is as follows:

- (1) Format Chapter 18 in a manner that makes it more efficient to enforce codes in the City of Pomona related to the built and natural environment.
- (2) Bring outdated enforcement language into compliance with the latest laws, as the existing Chapter 18 was mostly written in 1959.
- (3) Add enforcement language to address emerging concerns in the City, such as property maintenance, donation bins, and shipping containers.

- (4) Update procedures to include to abatement of nuisances, emergency actions to abatement imminent hazards, and cost recovery of City abatement actions, and code enforcement and attorney fees.
- (5) Amend Chapter 2 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; and add administrative citation fines for building and safety code violations.

Amendments to Chapter 18

The proposed actions associated with amendments to Chapter 18 are summarized in Table 1. The full text of the Chapter 18 amendment is included in Attachment No. 2.

Table 1. Proposed Actions for Chapter 18 of City Code

Article	Proposed Action
Article 1: General	Amended to include all definitions and standard enforcement protocol across Chapter. Currently the definitions are found within each Article.
Article 2: Abatement of Buildings Constituting Nuisance	Eliminated and consolidated into new Article 2 and definitions of Article 1.
New Article 2: Property Maintenance	Consolidated Article 2, Article 3, Article 5, Article 6, and Article 8 into single Article, and adds additional language. Explicitly defines what constitutes a public nuisance from a property maintenance standpoint. Also adds violations of conditions of approval as a public nuisance. Added procedures for abatement of nuisances, emergency action to abate an imminent hazard, and City cost recovery.
Article 3: Abandoned, Wrecked, Dismantled or Inoperative Vehicle Removal	Eliminated and consolidated into new Article 2 and definitions of Article 1.
Article 4: Graffiti Elimination	No amendments proposed at this time other than renumbering it as Article 3 and definitions of Article 1. Will be reviewed for future consideration.
Article 5: Landscape Maintenance	Eliminated and Consolidated into new Article 2 and definitions of Article 1.
Article 6: Weed and Rubbish Abatement	Eliminated and Consolidated into new Article 2 and definitions of Article 1.
Article 7: Noise and Vibration Control	No amendments proposed at this time other than renumbering it as Article 4 and definitions of Article 1. Will be reviewed for future consideration.
Article 8: Shopping Carts and Laundry Carts	No amendments proposed at this time, other than renumbering it as Article 5 and definitions of Article 1.

Article 9: Private Wells and Reservoirs	No amendments proposed at this time, other than renumbering it as Article 7.
Article 10: Stormwater Management	No amendments proposed at this time, other than renumbering it as Article 8.
Article 11: Flood Plain Management	No amendments proposed at this time, other than renumbering it as Article 9.
Article 12: Abandoned, Vacant, Distressed Properties or Land, Inspection Registration and Maintenance	No amendments proposed at this time, other than renumber it as Article 6.

Amendments to Chapter 2

Chapter 2 (“Administration”), Article X (“Code Enforcement”) provides an administrative citation program as an alternative method of enforcement for violations of the Code and any other city ordinances. The City’s Code Compliance Division is authorized to issue correction notices and cite persons for Code violations. Section 2-1183(a) states, “For purposes of this division only, the enforcement official has discretion to treat any violation of this Code as an infraction. This division shall apply only to violations of this Code determined to be infractions (referred to as "municipal ordinance violations").

On July 19, 2004, the City Council adopted Ordinance No. 4006 summarized as follows:

- A person convicted of a violation of the Code ***that is not specifically declared to be an infraction*** shall be punished as a misdemeanor, with a fine of not more than \$1,000, imprisonment in the city or county jail for not more than six months or both such fine and imprisonment.
- Violations of this code or any ordinance, rules or regulations authorized by ordinance that are continuous with respect to time, each day that the violation continues is a separate offense.
- The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief.

On March 2, 2002, the City Council adopted Resolution No. 2002-37 establishing administrative fine amounts for violations of the Code. The administrative fine amounts have not been updated since City Council’s action in 2002. The administrative citation fines are as follows and are in compliance with California Government Code Section § 36900.

- (1) One hundred dollars (\$100) for the first violation.
- (2) Two hundred (\$200) dollars for the second violation.
- (3) Five hundred (\$500) dollars for the third and all subsequent violations in a twelve-month period.

Since 2002, repeated Code violation offenders are issued citations in the maximum fine amount of \$500 because Code violations are deemed “infractions” and not “misdemeanors”. Because of the low fine amount and violations being deemed as “infractions”, a majority of the violations are not

corrected and continue to be a public nuisance, or the City has to abate the violation by injunctive relief which is costly to the City and drains City resources. Many cities deem Code violations as misdemeanors allowing for a maximum citation amount of \$1,000, resulting in higher rate of compliance.

Proposed Ordinance No. 4358 (Attachment No. 3) and proposed Resolution No. 2025-38 (Attachment No. 4) would deem the fourth and all subsequent violations of the same code provision within a twelve-month period as misdemeanors with a maximum fine amount of \$1,000 per violation.

Building and Safety Code Violations

California Government Code Section § 36900(c) provides fines for violations of building and safety codes. The City currently does not have separate fines for building and safety code violations. Violations of building and safety codes such as illegal/unpermitted construction are a threat to public safety as construction without permits can result in electrical or structural hazards that are unsafe to occupants and the community.

Proposed Resolution No. 2025-38 (Attachment No. 4) would add administrative citation fine amounts for building and safety code violations in compliance with Government Code Section §36900(c) as follows:

- (1) Fine not exceeding one hundred thirty dollars (\$130) for a first violation.
- (2) 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 time period.

(B) Fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the 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.

All fines will continue to incur a late penalty of fifty percent (50%) of any applicable fine that is not paid by its due date.

The proposed Ordinances and Resolution are vital to protect public health, safety, and welfare. Enhancing the code enforcement program utilizing both administrative and judicial remedies against violations of the City's laws protect public health, safety, and welfare. Classifying repeated violations as misdemeanors will encourage prompt abatement and/or correction of prohibited conditions, uses or activities in the City; and creates deterrence against future violations of the City's codes.

COUNCIL PRIORITIES & GOALS:

This item supports the 2021 City Council Priority 4 (Safe and Clean Community), Goal L to hold businesses and residents accountable for property maintenance and compliance with City codes.

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ATTACHMENTS:

- Attachment No. 1 – Draft Ordinance No. 4355
- Attachment No. 2 – Exhibit A (Ordinance Text)
- Attachment No. 3 – Draft Ordinance No. 4358
- Attachment No. 4 – Resolution No. 2025-38
- Attachment No. 5 – Public Hearing Notice