

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; AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

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

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

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, the City seeks to add administrative citation fines for building and safety code violations in compliance with Government Code Section § 36900;

WHEREAS, enhancing the code enforcement program utilizing both administrative and judicial remedies against violations of the City's laws protect public health, safety, and welfare;

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, 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. Recitals Incorporated. The City Council hereby finds that the foregoing recitals are true and correct, relies upon them in passing this ordinance, and incorporates them herein as substantive findings of this Ordinance.

SECTION 2. Be it ordained by the Council of the City of Pomona as follows:

Chapter 2 (“Administration”), Article X (“Code Enforcement”), Sec. 2-1183 (“Scope”) of the City of Pomona Municipal Code is hereby repealed, amended, and restated to read as follows:

Sec. 2-1183. Scope.

- (a) 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"). **A fourth and subsequent violation of the same code provision within a twelve-month time period may be charged and prosecuted as a misdemeanor, even if such violation would otherwise be described as an infraction.**
- (b) The procedures established in this division supplement and are an addition to or an alternative to any criminal, civil or other remedy available or established by law or under other sections of this Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, phase, or portion of this Ordinance 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 Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 4. CEQA Determination. The City Council finds that this Ordinance 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 Ordinance do not have the potential to cause a significant effect on the environment because they authorize no new development or use.

SECTION 5. Effective Date. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this ordinance shall take effect thirty (30) days after its final adoption.

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

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on March 17, 2025 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on April 7, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, MMC
City Clerk