



CITY OF POMONA COUNCIL REPORT

June 29, 2020

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Sonia Carvalho, City Attorney
Michael Ellis, Chief of Police

SUBJECT: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 2-1187 OF DIVISION 2, ARTICLE X OF CHAPTER 2 AND ADDING SECTION 34-113 TO DIVISION II, ARTICLE 3 OF CHAPTER 34 RELATING TO FINES FOR ILLEGAL FIREWORKS VIOLATIONS

RECOMMENDATION:

It is recommended that the City Council introduce, waive further reading and adopt the following urgency ordinance and resolution by a 4/5 vote:

URGENCY ORDINANCE NO. 4291 – AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 2-1187 OF DIVISION 2, ARTICLE X, CHAPTER 2 AND ADDING SECTION 34-113 TO DIVISION II, ARTICLE 3, CHAPTER 34 OF THE POMONA MUNICIPAL CODE RELATING TO FINES FOR ILLEGAL FIREWORKS VIOLATIONS

RESOLUTION NO. 2020-103 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATION OF THE CITY'S FIREWORKS ORDINANCE

EXECUTIVE SUMMARY:

The proposed urgency ordinance and resolution would authorize the imposition of administrative fines of one thousand dollars (\$1,000) for each offense for the use of illegal fireworks within the City of Pomona. The urgency ordinance would take immediate effect in order to address the use of illegal fireworks during the upcoming Fourth of July holiday.

FISCAL IMPACT:

There are not expected to be any significant costs to the City associated with the adoption of this ordinance. However, unknown revenues from the issuance of administrative fines are expected.

BACKGROUND & DISCUSSION:

The use of illegal fireworks within the City is ongoing and enforcement of the City’s fireworks regulations has proven difficult. In order to promote the immediate preservation of the public peace, health and safety, the attached urgency ordinance would do the following:

- (1) Authorize the Chief of Police or designee to issue administrative citations for illegal firework violations; and
- (2) Authorize the issuance of citation to a property or person leasing or occupying property where an illegal firework is observed.

The attached Resolution would:

- (3) Authorize the imposition of administrative fines at one thousand dollars (\$1,000) per violation and a late fee of one-hundred and twenty-five dollars (\$125).

The City’s existing administrative fines and penalties ordinance contain provisions that would allow recipients of citations to appeal their fine amounts in cases where they believe they were not a responsible party. These appeals are typically heard by a neutral hearing officer who provide a written decision. A subsequent appeal to the local Superior Court is also available. Adoption of the proposed urgency ordinance and resolution would authorize City police officers and code enforcement officers to issue citations for this Fourth of July weekend. It is hoped that adoption of these will serve as a deterrent to the use of illegal fireworks in order to save life and property.

Environmental Review

The proposed action are not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (“Guidelines”) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed urgency ordinance and resolution will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The amendment is an administrative activity by the City in furtherance of its police power, and will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the Guidelines.

ATTACHMENTS:

1. Urgency Ordinance No. 4291
2. Resolution No. 2020-103