

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

WHEREAS, the use of illegal fireworks has sparked fires throughout the City of Pomona ("City) and caused fire crews to respond to numerous fires caused by illegal and dangerous fireworks; and

WHEREAS, the use of illegal fireworks create a significant hazards to personal safety; and

WHEREAS, the Police Department receives numerous calls related to the use of fireworks in the days leading up to and after the 4th of July each year; and

WHEREAS, the use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult; and

WHEREAS, in order to address this serious public safety issue, City staff has sought ways to deter the possession and lighting of illegal fireworks in the City, including by increasing penalties; and

WHEREAS, there is a need to amend the regulations to further deter the use of illegal fireworks within the City; and

WHEREAS, the City Council has determined that the public health, safety, and welfare will be served by: (1) authorizing the Chief of Police or designees to issue administrative citations for illegal firework violations; (2) authorize the City Council to establish administrative fines by separate resolution; and (3) authorize the issuance of a citation to a property owner or person leasing or occupying property where an illegal firework is observed.

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

SECTION 1. Urgency Findings. In accordance with California Government Code, Section 36937 an in order to protect the public health, safety and welfare, the City Council of the City of Pomona find as follows:

A. The use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult. The use of illegal fireworks cause property damage and a danger to life. The Council, therefore, adopts this Urgency Ordinance to become effective immediately upon adoption pursuant to Pomona City Charter Section 510 and Government Code Section

36937 and to remain in effect until rescinded to provide City enforcement officials with a means to deter the use of illegal fireworks.

B. In addition, the City wishes to have these new regulations in place for the 2020 Fourth of July celebration when access and use of illegal fireworks increases throughout the region. The City would like to further mitigate the use of illegal fireworks in order to protect the public peace, health, and safety of its residents.

C. The City Council also finds that this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health and safety by establishing administrative fines for the possession or use of fireworks and their associated dangers within City's boundaries.

D. Finally, the City Council finds that the regulation contained in this Urgency Ordinance are reasonable in order to preserve the public peace, health and safety of its residence ahead of the Fourth of July holiday.

SECTION 2. Section 2-1187(a) of Division 2 , Article X, Chapter 2 of the Pomona Municipal Code is hereby amended to read as follows:

“(a) *Amount* . The amount of administrative fines shall be determined by resolution of the city council, which shall include penalty charges for late payments and increased fines for repeated violations. The fine amounts for infractions set forth in other sections of this Code shall not apply to this division and shall in no way limit the amounts which may be imposed for administrative fines. However, except for administrative fines authorized by Division 2 of Article X, the fine amounts shall not exceed the maximums set forth in Government Code § 36900(b).”

SECTION 3. Section 34-114 is hereby added to Division II, Article 3, Chapter 34 of the Pomona Municipal Code to read as follows:

“Sec. 34-114. Enforcement. Penalties.

(a) The Chief of Police or his or her designee, upon determining a violation of this Division, may issue an administrative citation, in accordance with Sec. 2-1184, to the responsible party, person leasing or occupying the property or the property owner of where the firework was observed or discharged.

(b) The City Council may establish an administrative fine for violations of this Division by separate resolution.”

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Urgency 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 5. CEQA Determination. The City Council finds that this urgency ordinance is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) & (3) as there is no potential for physical changes to the environment as this ordinance implements administrative regulations only for the possession, sale and discharge of fireworks only.

SECTION 6. Effective Date. This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to California Government Code Sections 36934 and 36937, and shall take effect immediately upon its adoption for the preservation of the public health, safety and welfare.

SECTION 7. This urgency ordinance was adopted by 4/5 vote of the City Council. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 29th day of June, 2020.

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 Urgency Ordinance was introduced for first reading at a special meeting of the City Council of the City of Pomona held on June 29, 2020 and was adopted at a special meeting of the City Council of the City of Pomona held on June 29, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, MMC
City Clerk