

RESOLUTION NO. 2020-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATIONS OF THE CITY'S FIREWORKS ORDINANCE

WHEREAS, Chapter 34, Division 2 of the Pomona Municipal Code establishes restrictions on the use of fireworks in the City of Pomona ("City"), including, but not limited to, restrictions concerning (i) responsibility of the parent for child under the age of 18 for discharging fireworks; (ii) prohibition of discharge of fireworks; and (iii) prohibition of sale of fireworks; and

WHEREAS, the City Council of the City of Pomona believes that the sale and use of illegal fireworks, along with the improper sale and use of illegal fireworks, creates a significant risk of fire and damage to persons and property in the City; and

WHEREAS, Section 2-1181 of the Pomona Municipal Code provides an alternative method of enforcement for violations of the Municipal Code and any other city ordinances. The City Council finds that an administrative citation program is an appropriate method of enforcement; and

WHEREAS, the administrative fines and penalties for violations of the Pomona Municipal 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; and

WHEREAS, Section 2-1187 of the Pomona Municipal Code authorizes the City Council to establish by resolution the amounts of administrative fines for violations of the Pomona Municipal Code; and

WHEREAS, California Government Code Section 53069.4 authorizes the City Council to establish fines and penalties of up to one-thousand dollars (\$1,000) for violation of its fireworks ordinance; and

WHEREAS, the City Council desires to establish an administrative fine for violation of the City's fireworks ordinance at a one-thousand dollar (\$1,000) penalty for each offense with a late fee of one-hundred and twenty-five dollars (\$125).

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

1. Notwithstanding the penalties and fines in effect for administrative citations for any other violation of the Pomona Municipal Code, the penalty for receipt of any administrative citation for a violation of Chapter 34, Division 2 of the Municipal Code shall be one-thousand dollars (\$1,000).

2. An additional fine of one-hundred and twenty-five dollars (\$125) shall be established as a penalty fee for any payments not meeting the due date of the administrative fine.

3. This Resolution shall become effective upon its adoption

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

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a special meeting thereof held on June 29, 2020 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk