



CITY OF POMONA COUNCIL REPORT

July 20, 2026

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Michael Ellis, Chief of Police

**SUBJECT: Introduction and First Reading of an Ordinance Amending City Code
Section 34-221 – Nudity and Public Indecency**

RECOMMENDATION:

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance amending City Code Section 34-221:

**ORDINANCE NO. 4370 – AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF POMONA, CALIFORNIA, AMENDING CITY CODE
SECTION 34-221 – NUDITY AND PUBLIC INDECENCY**

EXECUTIVE SUMMARY:

Staff has consulted with the City Attorney's Office, the Los Angeles County District Attorney's Office, and other local jurisdictions regarding enforceable municipal regulations addressing nudity and public indecency. The proposed code amendment would clarify the conduct prohibited under City Code Section 34-221 and allow enforcement based on objective conduct expressly identified in the ordinance.

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 \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 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:

There is no fiscal impact associated with this ordinance change.

PREVIOUS RELATED ACTION:

There is no previous related action related to this item.

DISCUSSION:

Staff consulted with the City Attorney's Office, the Los Angeles County District Attorney's Office, and other local jurisdictions that are successfully prosecuting public indecency. The proposed code amendment updates City Code Section 34-221 to provide clearer standards for enforcement and prosecution.

Recent changes in California state law, including the repeal of former Penal Code Section 653.22 by Senate Bill 357, affected enforcement tools previously available to address certain public conduct. This ordinance does not recreate or replace former Penal Code Section 653.22. Rather, it clarifies the City's existing prohibitions on nudity and public indecency by focusing on specific, objective conduct occurring in public places.

Existing state law under Penal Code Section 314 requires proof that exposure was willful and lewd, and depending on the circumstances, may require proof relating to the presence of persons who could be offended or annoyed. Those evidentiary requirements do not squarely address all of the public nudity and public indecency conduct that has generated complaints.

To address the gaps and issues, the proposed Ordinance:

- Clarifies prohibited conduct related to nudity, public indecency, and simulated exposure.
- Identifies limited exceptions for locations and circumstances where nudity or exposure is permitted or customarily expected.
- Preserves protections for constitutionally protected expressive conduct.

The resulting amendment establishes a general-intent misdemeanor. This allows officers to enforce the ordinance based on objective conduct rather than specific intent, while providing the District Attorney's Office with a clear, workable framework for prosecution.

COUNCIL PRIORITIES AND GOALS

This item supports the City Council Goal: Safe and Clean Community to invest in public safety, community programming, and maintenance of properties and infrastructure to ensure residents, businesses, visitors, and employees feel safe, neighborhoods feel a sense of pride and ownership in the community.

Prepared by:

DeJon Miller
Police Officer

ATTACHMENT(S):

Attachment No. 1 – Ordinance 4370