

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**

WHEREAS, the City has a legitimate interest in protecting and preserving the public health, welfare, safety, and order of its residents; and

WHEREAS, the Pomona Municipal Code Section 34-221, “Nudity and Public Indecency,” should be amended to clarify prohibited conduct and promote consistent enforcement; and

WHEREAS, recent changes in state law have affected enforcement tools previously available to address certain public conduct, and the City seeks to ensure that its municipal code remains clear, objective, and enforceable; and

WHEREAS, this Ordinance establishes clear criteria and objective standards to support the enforceability and prosecutability of violations involving nudity and public indecency.

NOW, THEREFORE, the City Council of the City of Pomona does ordain as follows:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated into this ordinance by this reference.

SECTION 2. Amendment of the Pomona Municipal Code. Article V. – Offenses Involving Public Morals, Section 34-221, Nudity and Public Indecency, is hereby amended to read as follows:

“Sec. 34-221. - Nudity and public indecency

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Public place means any location frequented by the public or where the public is present or likely to be present or where a person may reasonably be expected to be observed by members of the public. The term "public places" include, but are not limited to, streets; sidewalks; parks; beaches; business and commercial establishments, whether for profit or not for profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement; bottle clubs; hotels; motels; restaurants; nightclubs; country clubs; cabarets; and meeting facilities utilized by any religious, social, fraternal, or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. A public place shall not include enclosed restrooms, enclosed functional showers, locker and/or dressing room facilities, enclosed motel/hotel rooms and rooms generally designed and intended

for sleeping accommodations, doctor's offices, portions of hospitals, medical facilities, and other similar places in which nudity or exposure is necessarily and customarily expected. A public place shall not include a person appearing in a state of nudity in a modeling class operated by either of the following:

- (1) a proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation; or
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or an accredited private college.

Theater means a building, room, hall or other place having permanently fixed seats so arranged that a body of spectators can have an unobstructed view of the stage, established primarily or devoted to theatrical performances.

(b) It is a misdemeanor for a person, while in a public place, to knowingly and intentionally do any of the following:

- (1) Engage in actual or simulated sexual intercourse, masturbation, sodomy, oral copulation, excretory functions, flagellation or torture in the context of a sexual relationship, other ultimate sex acts, or lewd touching, fondling, or physical stimulation of the genitals, pubic area, buttocks, anus, or female breast of the person or another person, whether clothed or unclothed;
- (2) Expose genitals, pubic hair, cleft of the buttocks, perineum, anal region, or pubic hair region;
- (3) Wear, display, expose, or otherwise present to public view any device, costume, or covering that gives the appearance or simulates any anatomical areas listed in subsections (b)(2) or (b)(4);
- (4) Expose the nipple(s) and/or areolae/areola of the female breast, except as necessary while breastfeeding;
- (5) Expose any device, commonly known as a “pasty” or “pasties,” worn as a cover over the nipples and/or areolae of the female breast, which device simulates or gives the realistic appearance of nipples and/or areolae;
- (6) Wear any thong, G-string, or similar garment or covering that leaves the buttocks substantially exposed, such that only the anus and immediate anal cleft are covered, while the remaining portion of the buttocks remains bare;
- (7) Wear any garment, costume, or covering composed in whole or in part of transparent, sheer, mesh, lace, or other see-through material that exposes the bare female breast, where any part of the nipple or areola itself is directly visible through the material; or

(8) Wear any garment, costume, bodysuit, or covering composed in whole or in part of sheer, fishnet, mesh, transparent, or similarly translucent material that makes the anatomical areas listed in subsections (b)(2) through (b)(4) directly visible or creates the appearance that such anatomical areas are uncovered.

(c) The prohibitions set forth in subsection (b) shall not apply to nudity within a bona fide theater when the nudity occurs as part of a theatrical performance.

(d) Any person who, with knowledge of the prohibited conduct, employs, procures, permits, or assists any person to engage in conduct prohibited by subsection (b) of this Section is guilty of a misdemeanor.

(e) Exception for public pools. The provisions of subsection (b) of this section, including (b)(6), (b)(7), and (b)(8) above, shall not apply to a person's wearing of a thong, G-string, or other minimal or revealing swimwear while present at a public swimming pool, public aquatic facility, or public pool deck area owned or operated by the City of Pomona, provided that such swimwear, while abbreviated, does not expose the genitals, pubic hair, anus, or, in the case of a female, the nipple or areola of the breast.

(f) Exception for permitted public protests. The provisions of subsection (b) of this section shall not apply to a person's appearance in a state of nudity or partial nudity while participating in a public protest, demonstration, march, or assembly for which a valid permit has been issued by the City of Pomona. Nothing in this section shall be construed or enforced to prohibit expressive conduct protected by the First Amendment to the United States Constitution and Article I of the California Constitution. This subsection shall not apply to subsection (b)(1).

(g) State law savings. The prohibitions set forth in this section shall not apply to any act expressly permitted or prohibited by state law, or to any act the prohibition of which is preempted by state law.”

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Effective Date and Posting. The City Clerk shall attest to the passage and adoption of this Ordinance and shall cause the same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

SECTION 5. Compliance with CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that pursuant to CEQA Guidelines section 15061(b)(3), this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein

would not have the potential for causing a significant effect on the environment. Further, and in the alternative, the City Council finds that the Ordinance is exempt from the requirements of CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The City Council hereby directs the City Manager to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 3rd day of August, 2026.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Karla Shipman
Acting City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, KARLA SHIPMAN, ACTING 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 July 20, 2026, and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on August 3, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karla Shipman
Acting City Clerk