

ORDINANCE NO. 4341

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 50-337 TO ARTICLE III, CHAPTER 50, ADDING SECTION 74-198 AND 74-199 TO ARTICLE III, CHAPTER 74 OF THE POMONA MUNICIPAL CODE RELATING TO ENHANCEMENT OF ENFORCEMENT OPTIONS TO ADDRESS PUBLIC NUISANCE CONDITIONS AND ILLEGAL USES OF PROPERTY WITHOUT REQUIRED APPROVALS AND PERMITS

WHEREAS, the City receives numerous complaints concerning unpermitted and illegal uses of property in the City, causing dangerous conditions; and

WHEREAS, the Police Department receives numerous calls for service related to impacts associated with illegal uses, including violent altercations, public nuisances, and damage to public and/or private property; and

WHEREAS, particular illegal uses of property are ongoing, and enforcement against these uses has proven difficult in many cases using the existing options available to staff; and

WHEREAS, in order to address this serious public safety issues, City staff has sought ways to deter illegal uses of property; and

WHEREAS, there is an immediate need to enhance enforcement options to address public nuisance conditions and illegal uses of property; and

WHEREAS, the City Council has determined that the public health, safety, and welfare will be served by such enforcement enhancements.

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

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein.

SECTION 2. Section 50-337, Article VIII, Chapter 50 of the Pomona Municipal Code is hereby amended to read as follows:

“Sec. 50-337. – Application for license.

(a) Every person required to have a license under this article shall make an application for the license to the business license division. Upon the payment of the prescribed license tax, the business license division shall issue to such person a license, if the business is not unlawful and is conducted in conformity to the zoning code. The license application shall contain the following:

(1) The name of the person to whom the license is issued;

- (2) The business licensed;
 - (3) The place where such business is to be transacted and carried on;
 - (4) The date of the expiration of such license; and
 - (5) Such other information as may be necessary for the enforcement of this article.
- (b) At the time of filing an application for issuance of a business license, the applicant shall have a current Certificate of Occupancy.
- (c) Every person required to have a license under this article shall pay the license fee at the time of the filing of the application with the business license division.
- (d) At the time of filing an application for issuance of a business license, every person or business subject to National Pollutant Discharge Elimination System (NPDES) permit inspections, pursuant to the California NPDES permit and section 18-527 of this Code, shall also pay the NPDES program inspection fee established by resolution of the city council.
- (e) At the time of filing an application for issuance of a business license, every person or business subject to an annual inspection of grease producing facilities, as required by State Water Resource Board Regulations and sections 62-478 and 62-479 of this Code, shall also pay the annual inspection fee established by resolution of the city council.”

SECTION 3. Section 74-198, Article III, Chapter 74 of the Pomona Municipal Code is hereby added to read as follows:

“Sec. 74-198. - Certificate of occupancy.

(a) A certificate of occupancy is required when:

(1) There is a change of use classification within a building or structure.

An exception shall exist if a separate building permit for tenant improvements have been filed in conjunction with the change in use classification, permit approval may satisfy this requirement.

(b) No alteration to an existing building which changes the floor area of the building or which changes the means of egress from the building shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

(c) No change of occupant within a building or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

(d) Code violations - Disconnection of utilities.

(1) No building or structure shall be occupied, nor shall a business operate without a valid Certificate of Occupancy. A business operating in a manner inconsistent with its Certificate of Occupancy is operating in violation of this Code provision.

(2) Violation of this Code provision may result in the disconnection of any or all utilities.

a. The City Manager and/or their designee shall have the authority and powers necessary to determine whether a violation of this code exists and the authority to take appropriate action to gain compliance with the provisions of this section. These powers include the power to issue notice of violation(s), the power to assess and collect civil fines and penalties as provided by this section. These include the power to make a determination that a violation exists and disconnect the building or structure's utility services.

b. A building, structure, or business whose utilities have been disconnected shall not have the utilities reconnected until an inspection has been made by the city's building official and the building official has determined that the building complies with this code.

c. A building or structure that is new construction can likewise not be occupied or its utilities connected until an inspection has been made by the city's building official and the building official has determined that the building complies with this Code.

d. Removing or defacing a notice posted in relation to violations of this Code provision or this code, shall constitute a separate and distinct violation of this Code provision.

e. No building or structure shall be connected with utility services, nor shall a building or structure whose electrical service has been disconnected be reconnected with electrical service until an inspection has been made and the building official has determined that the building does not constitute an unsafe building.”

SECTION 4. Section 74-198, Article III, Chapter 74 of the Pomona Municipal Code is hereby added to read as follows:

“Sec. 74-199. Owner responsibility.

a) No person, firm or corporation, whether as principal, agent, management company, employee or otherwise, shall permit another person, firm or corporation to conduct uses or activities upon real property owned or managed by such person, firm or corporation where the uses or activities are in violation of this Municipal Code or any state law. A person, firm or corporation shall be deemed to be permitting such violation if they have been notified in writing that the tenant or person, firm or corporation using their real property is doing so in violation of the law. A person, firm or corporation who is notified in writing that there is an illegal use on their property shall take immediate steps to cause the illegal uses or activities to cease. Every act prohibited or declared unlawful in this section, and every failure to perform an act in this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or City Prosecutor or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance

and may be abated as provided in this Municipal Code and/or under state law. Any provision of this section may be enforced by civil injunction issued by the Superior Court upon a suit brought by the City.

b) As part of a civil action filed to enforce provisions of this chapter, this City may ask a court to assess a civil penalty of two thousand five hundred dollars (\$2,500) per violation for each day during which any person, firm or corporation commits, continues, allows or maintains a violation of any provision of this section. This provision shall be enforceable upon the property owner for failure to comply with the provisions of this section.”


SECTION 5. CEQA Determination. The City Council finds that this 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. The City Clerk shall attest and certify to the passage and adoption of this Ordinance and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

SECTION 7. If any section, subsection, sentence, clause, phase, or portion of this 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.

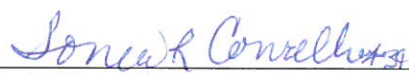
PASSED, APPROVED, AND ADOPTED this 20th day of November 2023.

CITY OF POMONA:




Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:




Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, DIANA ROBLES, DEPUTY 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 November 6, 2023 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on November 20, 2023, by the following vote:

AYES: Garcia, Lustro, Nolte, Preciado, Torres, Sandoval
NOES: None
ABSENT: Ontiveros-Cole
ABSTAIN: None



Diana Robles
Deputy City Clerk