

**ORDINANCE NO. 4334**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING BY REFERENCE TITLE 32, FIRE CODE, OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2022 EDITION BY AMENDING SECTIONS 22-1 AND 74-31 OF THE POMONA CITY CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, in July 2022, the California Building Standards Commission adopted the 2022 Edition of the California Building Standards Code (“CBSC”), effective January 1, 2023, and codified in Title 24 of the California Code of Regulations (“CCR”).

**WHEREAS**, the CBSC consists of building standards that regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical systems, plumbing, mechanical systems, and maintenance of all buildings in the state and includes the California Fire Code (CCR, Title 24, Part 9).

**WHEREAS**, on January 31, 2023, the Los Angeles County Board of Supervisors adopted Ordinance No. 2023-0008, amending Title 32 of the Los Angeles County Code by repealing and replacing it with the 2022 Edition of the California Fire Code and making certain local changes and amendments thereto.

**WHEREAS**, pursuant to California Government Code Section 50022.2, the City of Rolling Hills (“City”) may adopt the 2022 Edition of the California Fire Code by reference.

**WHEREAS**, pursuant to sections 17958.7 and 18941.5 of the California Health & Safety Code, the City may adopt local amendments to the California Fire Code determined by the City Council to be reasonably necessary because of local climatic, geological, or topographical conditions.

**WHEREAS**, the City desires to adopt Title 32 of the Los Angeles County Code and the 2022 Edition of the California Fire Code without further local amendments.

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

**SECTION 1.** The recitals above are true and correct and are hereby incorporated herein by this reference.

**SECTION 2.** Section 22-1, “County fire code” of Chapter 22 “Fire Prevention” of the Pomona City Code shall be amended to read as follows:

**“Sec. 22-1. – County fire code**

Except as hereinafter provided, Title 32, Fire Code, of the Los Angeles County Code, as amended and adopted on January 31, 2023, and in effect on March 2, 2023, adopting the California Fire Code, 2022 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Pomona.

In the event of any conflict between provisions of the California Fire Code, 2022 Edition, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Pomona City Code, the provision contained in the latter-listed document shall control.

Charter reference— Adoption by reference, § 512.

State Law reference— Adoption by reference, Government Code § 50022.1 et seq.”

**SECTION 3.** Section 74-31(a), “Construction codes adopted” of Division 1 “Generally” of Article II “Construction Standards” of Chapter 74 “Buildings and Building Regulations” of the Pomona City Code is hereby amended to read as follows:

**“Sec. 74-31. Construction Codes Adopted.**

- (a) Sec. 74-31 Construction Codes Adopted. (a) For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes and appendices subject to the modifications set forth in this Chapter, are hereby adopted: the California Building Code, 2022 Edition, based on the 2021 International Building Code as published by the International Code Council, including Part 8 and Appendix A of said Part, and including Part 10 and Appendix A1 of said Part; the California Administrative Code, 2022 Edition; the California Residential Code, 2022 Edition, based on the 2021 International Residential Code with Appendix V Swimming Pool Safety Act as published by the International Code Council; the 2015 International Swimming Pool and Spa Code as published by the International Code Council; the California Green Building Standards Code, 2022 Edition; the California Plumbing Code, 2022 Edition, based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2019 2022 Edition, based on the 2018 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2022 Edition, based on the 2020 National Electrical Code as published by the National Fire Protection Association; the California Fire Code, 2022 Edition, as amended by the County of Los Angeles, otherwise known as the **Title 32 Los Angeles County Fire Code, 2023 edition, adopted via Los Angeles County Ordinance 2023-0008**, based on the 2021 International Fire Code as published by the International Code Council; the California Energy Code, 2022 Edition, as published by the International Code Council; the California Reference Standards Code, 2022 Edition, as published by the International Code Council; the International Property Maintenance Code, 2021 Edition, as published by the International Code Council; and the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council. For the purpose of prescribing regulations for grading and

excavations, Appendix J of the 2022 California Building Code is hereby adopted. The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Pomona. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the Construction Codes, State regulations shall prevail over the Construction Codes. Notwithstanding the provisions of the above-referenced construction codes, all permit fees and fees for services provided pursuant to the construction codes shall be in accordance with fees established by City Council resolution, pursuant to California Government Code Sections 66016 and 66020.”

**SECTION 4.** All inconsistencies between the Fire Code, as adopted by this ordinance, and Part 9 of the California Code of Regulations are changes, modifications, amendments, additions, or deletions thereto authorized by California Health and Safety Code Sections 17958 and 17958.7.

**SECTION 5.** Justifications for Local Amendments. The City Council hereby finds that the changes and modifications to the California Fire Code enacted by this ordinance are reasonably necessary because of the City’s local climate, which is characterized by: hot, dry summers often resulting in drought conditions; strong Santa Ana winds often resulting in hazardous fire conditions; heavy winter rains often resulting in expansive soil conditions; the City’s geological characteristics in that the area is characterized by geological instability and the City’s location in Southern California.

The City Council hereby finds that the modifications to the State Fire Code in Title 32 of the Los Angeles County Code are reasonably necessary because of the local climatic, geological, and topographical conditions within the City of Pomona. Further, the modifications to the Fire Code in Title 32 of the Los Angeles County Code are administrative in nature and are necessary to allow the uniform application of the codes by procedures suited to the size and nature of the City’s staff and administrative agencies by means suited to the City’s experience with local climatic, geological, and topographical conditions and to provide sufficient staff support for the time-consuming inspections and analyses required by the City’s fire and geological hazards.

**SECTION 6.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or any part hereof is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Pomona hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

**SECTION 7.** California Environmental Quality Act. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in physical change to the environment. Most of the terms of the standards in the proposed Ordinance are dictated by the California Fire Code and county amendments to the state standards only make those modifications necessary for local regional conditions which are at least as protective of the environment as the state codes. Alternatively, even if the ordinance is a project within the meaning of CEQA, its adoption is

exempt from CEQA under the general rule that CEQA only applies to projects that may cause significant adverse effects on the environment. Pursuant to CEQA Guideline section 15061(b)(3), as this ordinance is largely administrative in nature, there is no possibility that the City's action would adversely affect the environment in any manner that could be significant.

**SECTION 8.** The City Clerk shall certify to the passage 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 adoption.

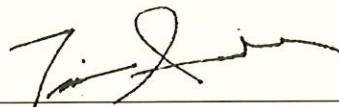
**SECTION 9.** The adoption of this ordinance or any amendment to any existing ordinance of the City of Pomona shall, not in any manner, affect the prosecution for violations of ordinance's committed prior to the effective date of this Ordinance.

**SECTION 10.** That a copy of the *Los Angeles County Fire Code* (Title 32 of the Los Angeles County Code), incorporating the *California Fire Code*, 2022 edition, has been deposited in the office of the City Clerk of the City of Pomona and shall be at all times maintained by the City Clerk for use and examination by the public.

**SECTION 11.** The City Manager or their designee is hereby authorized and directed to transmit copies of this signed ordinance to the California Department of Housing and Community Development, the California Building Standards Commission, and the County of Los Angeles Fire Department, as required by California State statutes.

**PASSED, APPROVED AND ADOPTED** this 8th day of January, 2024.

**CITY OF POMONA:**



\_\_\_\_\_  
Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Sonia Carvalho  
City Attorney

**ATTEST:**



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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 December 18, 2023 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on January 8, 2024 by the following vote:

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



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Diana Robles  
Deputy City Clerk