

ORDINANCE NO. 4124

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA RE-NUMBERING SECTIONS OF CHAPTER 34 ("OFFENSES AND MISCELLANEOUS PROVISIONS") OF THE POMONA CITY CODE

WHEREAS, the City Council adopted Ordinance No. 4120 on May 4, 2009, amending Chapter 34 of the Pomona City Code to regulate alcoholic beverages in public places;

WHEREAS, due to the Ordinance No. 4120's amendments to Chapter 34, other sections and divisions of the Pomona City Code must be re-numbered;

WHEREAS, the City Council desires to amend Chapter 34 to re-number these sections and divisions;

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

SECTION 1. Chapter 34, Article IV "Offenses Involving Public Peace and Order" of the Pomona City Code is hereby amended to read as follows:

DIVISION 2. LOITERING

Sec. 34-153~~5~~**5**. Loitering.

(a) As used in this section, the term "signs prohibiting loitering" shall mean signs which are not less than one square foot in area bearing the words "LOITERING PROHIBITED" in letters not less than two inches high posted conspicuously on the property.

(b) It is a misdemeanor for any person to loiter upon property which is posted with signs prohibiting loitering if such property is one of the following kind, class or type:

(1) Property of any company or agency supplying water, gas, electricity or any other essential service.

(2) Property belonging to the public used for a highway, alley, sidewalk or crosswalk.

(3) Property used for an industrial or manufacturing plant.

(4) Property used for the entrance of any church, hall, theater or place of public assemblage.

(5) Property, whether public or private, used as a parking lot.

(6) Property used as a means of ingress or egress to or from any lawful business or service performed by a governmental agency.

Sec. 34-154~~6~~**6**. Loitering prohibited on private parking lots.

(a) For the purposes of this section, the term "loitering" is defined as follows: entering, remaining, loitering, prowling or wandering about, whether in a motor vehicle or on foot, upon property of another without visible or lawful business with the owner or occupant thereof.

(b) It is a misdemeanor for any person to loiter, as defined in subsection (a) of this section, upon any private parking lot or private property surrounding a commercial establishment when a notice has been posted or has been caused to be posted by the owner of such property at the entrance to such private parking lot or area surrounding any such commercial area, in letters not less than three inches in height, "LOITERING PROHIBITED," and below such notice on the same sign in letters not less than one inch in height a statement in substantially the following form:
"VIOLATION OF THIS NOTICE CONSTITUTES A MISDEMEANOR--SECTION 34-1546."

DIVISION ~~23~~. SOLICITATION OF EMPLOYMENT

SECTION 2. If any section, subsection, sentence, clause or phrase in this division is for any reason held invalid, the validity of the remainder of the division will not be affected. The City Council hereby declares it would have passed this division and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

SECTION 3. The City Clerk shall attest 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.

PASSED, APPROVED AND ADOPTED THIS 5TH DAY OF OCTOBER, 2009.

ATTEST

CITY OF POMONA

Marie Michel Macias, City Clerk

Elliott Rothman, Mayor

APPROVED AS TO FORM

**Arnold M. Alvarez-Glasman,
City Attorney**

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading on September 21, 2009, and adopted at second reading at a regular meeting of the City Council of the City of Pomona held on the 5th of October, 2009 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Marie Michel Macias, City Clerk