



Ordinance Fact Sheet

May 19, 2025

TO: Honorable Mayor and City Council

FROM: City Attorney / City Prosecutor's Department

SUBJECT: **AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 1.24.010, 1.25.010 AND 1.26.010 OF TITLE 1 OF THE PASADENA MUNICIPAL CODE REGARDING ENFORCEMENT OF CITY ORDINANCES**

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 1, SECTIONS 1.24.010, 1.25.010 AND 1.26.010 OF THE PASADENA MUNICIPAL CODE REGARDING ENFORCEMENT OF CITY ORDINANCES

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is not a "project" subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 21065 and within the meaning of Section 15378(b); and
2. Adopt an ordinance amending Title 1, Sections 1.24.010, 1.25.010, and 1.26.010 of the Pasadena Municipal Code as further described in this fact sheet

PURPOSE OF THE ORDINANCE:

This ordinance amends the Pasadena Municipal Code ("PMC") to amend sections 1.24.010, 1.25.010, and 1.26.010 of Title 1 of the PMC, all of which relate to the enforcement of City ordinances. The ordinance makes minor changes to the wording of these three sections, such as changing "or" to "and/or" to confirm that the City can prosecute a violation of the PMC by both administrative and criminal means.

MEETING OF 05/19/2025

AGENDA ITEM NO. 20

REASONS WHY LEGISLATION IS NEEDED:

The PMC provides that the City of Pasadena may enforce its ordinances administratively, civilly, or criminally. PMC violations can be charged criminally as infractions or misdemeanors.

In particular, PMC §1.24.010B provides that any “violation of any provision of [the PMC] may be prosecuted as a misdemeanor, as an infraction, or as a civil administrative action in the discretion of the city attorney or city prosecutor, or their assistants.”

This is further bolstered by PMC Chapter 1.25 (relating to administrative penalties, compliance orders) and PMC Chapter 1.26 (relating to administrative penalties, citations) which provide, respectively, that:

- “Administrative penalties may be pursued in lieu of any other legal remedy, criminal or civil, which may be pursued by the city to address any violation of this code. The city attorney, city prosecutor, or their assistants, have sole discretion to determine whether a violation will be prosecuted criminally. If a violation is not criminally prosecuted, the city may proceed with administrative proceedings....” PMC §1.25.010; and
- “[A]dministrative penalties . . . may be pursued in lieu of any other legal remedy, criminal or civil, which may be pursued by the city to address any violation of this code. The city attorney, city prosecutor, or their assistants have the sole discretion to determine whether a violation will be prosecuted criminally. If a violation is not criminally prosecuted, the city may proceed with administrative proceedings....” PMC §1.26.010.

This ordinance clarifies the authorization for enforcement administratively, such as through Code Enforcement, but also confirms that criminal prosecution is allowed when administrative enforcement has been unsuccessful or has not deterred the offending conduct. This provides greater flexibility for the City to determine the appropriate means to address violations of the PMC. However, as currently written, a strict reading of the ordinances might suggest, through the use of the words “or” and “in lieu of,” that violations can be pursued administratively or criminally, but not both. At least one Superior Court Judge has questioned whether a case that started administratively could also be prosecuted criminally. There is value in providing the City Attorney/City Prosecutor’s Office the discretion and flexibility to pursue a matter criminally even if it has started administratively. Removing any ambiguities in the current language ensures that no court would interpret the language in the PMC to prevent cases from being handled administratively, civilly, and/or criminally.

The proposed changes to PMC §§1.24.010, 1.25.010, and 1.26.010 reflect the City's determination that a case can be handled criminally, civilly, and/or administratively, as appropriate.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The City Prosecutor's Office is the division that will primarily be impacted as this clarifies the ability to pursue criminal enforcement of municipal code violations where staff have already attempted administrative enforcement. Pasadena Police Department, Planning Department, Public Health Department and any other City Departments involved in the administrative enforcement of City ordinances may be affected as this will confirm flexibility in enforcement options.

COUNCIL POLICY CONSIDERATION:

The amendments to Pasadena Municipal Code sections 1.24.010, 1.25.010, and 1.26.010 are consistent with the City Council's strategic goals to ensure public safety and support and promote the quality of life.

ENVIRONMENTAL ANALYSIS:

CEQA excludes, from environmental review, actions that are not "projects" as defined by CEQA Guidelines Section 21065 and within the meaning of Section 15378(b). Sections 21065 and 15378(b) define a project as an action which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378 excludes from the definition of "project" organizational or administrative governmental activities that do not result in physical changes to the environment. The actions proposed herein, directing the City Attorney to prepare necessary resolutions to amend the Noise Ordinance, are organizational or administrative governmental activities that do not result in physical changes to the environment, and therefore is not a "project" as defined by CEQA. Since the action is not a project subject to CEQA, no environmental document is required.

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FISCAL IMPACT:

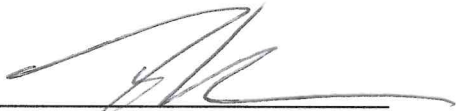
There is no fiscal impact from the proposed ordinance.

Respectfully submitted,



Michele Beal Bagneris
City Attorney

Prepared by:

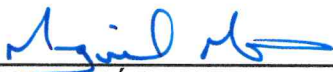


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Chief Assistant City Prosecutor



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Concurred by:



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