

RESOLUTION NO. 2023 - 015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA ESTABLISHING THE CITY'S ENFORCEMENT POLICY FOR CORONA MUNICIPAL CODE SECTION 8.02.040 (SECONDHAND SMOKE-DECLARATION OF NUISANCE)

WHEREAS, on March 1, 2023, the City Council introduced Ordinance 3365 amending Corona Municipal Code Chapter 8.02 ("Ordinance");

WHEREAS, Section 8.02.040 of the Ordinance declared that secondhand smoke is a nuisance ("Nuisance Declaration"); and

WHEREAS, the City's Nuisance Declaration may be enforced through a legal action brought by a private citizen; and

WHEREAS, at this time, the City Council does not desire to expend City resources or staff time to enforce the Nuisance Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. City Enforcement Policy. The City shall not expend City resources or staff time to enforce the provisions of Section 8.02.040 (Secondhand Smoke – Declaration of Nuisance).

SECTION 3. Effective Date. This Resolution shall take effect 30 days after adoption of the Ordinance, and the City Clerk shall attest to and certify the vote adopting this Resolution.

SECTION 4. CEQA. This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action only designates the City's enforcement policy for Section 8.02.040 of the Corona Municipal Code, and there is no possibility that adopting this resolution will have a significant effect on the environment. Therefore, no environmental analysis is required, and staff will file a Notice of Exemption with the County of Riverside.

SECTION 5. Severability Clause. The provisions of this Resolution are severable, and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, works, or parts thereof of the ordinance or their applicability to other persons or circumstances.

PASSED, APPROVED AND ADOPTED this 1st day of March 2023.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 15th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 15th day of February 2023.

City Clerk of the City of Corona,
California

[SEAL]