

ORDINANCE NO. 2019-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING CHAPTER 2 OF ARTICLE I GENERAL PROVISIONS OF THE LAKEWOOD MUNICIPAL CODE REGARDING PENALTY PROVISIONS AND ALLOWING DESIGNATION OF VIOLATIONS TO BE INFRACTIONS.

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. INTENT. Chapter 2 of the Lakewood Municipal Code is hereby amended as provided in this Ordinance to allow any violation of the Lakewood Municipal Code to be designated as an infraction, in lieu of a misdemeanor as authorized by the City Manager with concurrence of the City Attorney.

SECTION 2. PURPOSE. The purpose of this ordinance is to reduce enforcement costs and expedite enforcement procedures for any violations of the Lakewood Municipal Code.

SECTION 3. Section 1205 of the Lakewood Municipal Code, regarding infractions is hereby repealed in its entirety and replaced to read as follows:

1205. INFRACTIONS. Notwithstanding the provisions of Section 1200-1204, any violation of any Article, Chapter, Part, Section or subsection of the Lakewood Municipal Code may be designated to be an infraction by any peace officer, or an officer, employee, or agent, or contractual agent of the City where so authorized by the City Manager with concurrence of the City Attorney, in any citation, Notice of Violation, or in any judicial process utilized in the enforcement in the terms and provisions of this Code:

Every violation determined to be an infraction is punishable by a fine not exceeding the amounts contained in the laws of the State of California as the maximum fines for infractions, including enhanced fines for subsequent violations of the same ordinance within one year, as such amounts may be changed from time to time.

Any person who fails to pay any fine shall be liable in any action or collection proceeding brought by the City for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs and attorneys' fees. Such costs shall be in addition to any penalties, interest and late charges imposed upon the delinquent obligation. The fines collected pursuant to this section shall not be subject to Section 12706 of the California Health and Safety Code.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this ordinance or its application to any person or circumstance, is for any reason held to be invalid, unenforceable 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 or its application to any other person or circumstance. 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, paragraph, sentences, clauses, phrases, or portions thereof be declared invalid, unenforceable or unconstitutional.

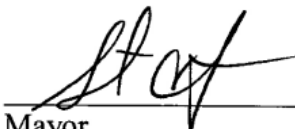
SECTION 5. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall post a certified copy of this ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.

ADOPTED AND APPROVED this 26th day of February, 2019, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Piazza	<u> X </u>	_____	_____
Council Member DuBois	<u> X </u>	_____	_____
Council Member Rogers	<u> X </u>	_____	_____
Council Member Wood	<u> X </u>	_____	_____
Mayor Croft	<u> X </u>	_____	_____



Mayor

ATTEST:



City Clerk