

ORDINANCE NO. 2023-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAKEWOOD AMENDING SECTION 4328 OF THE
LAKEWOOD MUNICIPAL CODE REGARDING BIRD
FEEDERS

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

SECTION 1. The following new language is hereby added at the end of Section 4328 of the Lakewood Municipal Code, which language is declarative of the City's interpretation and policy that has been in place since the inception of such section:

“This section shall not be construed to prohibit bird feeders, including but not limited to hummingbird feeders, except where the use of such feeders constitutes a nuisance.”

SECTION 2. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent authority, such decision shall not affect the validity of the remaining portions of this Ordinance. 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, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

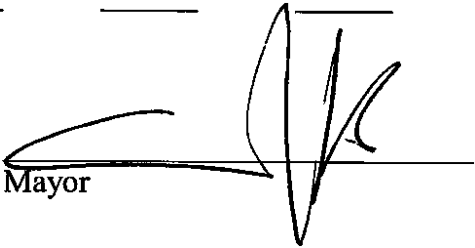
SECTION 3. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 4. CERTIFICATION. The City Clerk shall certify 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 5. 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 10th day of October, 2023, by the following roll call vote:

	AYES	NAYS	ABSENT
Mayor Pe	<u> X </u>	<u> </u>	<u> </u>
Council Member Chase	<u> X </u>	<u> </u>	<u> </u>
Council Member Croft	<u> X </u>	<u> </u>	<u> </u>
Council Member Rogers	<u> X </u>	<u> </u>	<u> </u>
Council Member Wood	<u> X </u>	<u> </u>	<u> </u>



Mayor

ATTEST:

City Clerk *Jo Mayberry*