



ORDINANCE 2008-002

AN ORDINANCE AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE SHERWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER (15.24) RELATING TO ENFORCEMENT AND REMEDIES

WHEREAS, the City of Sherwood wishes to maintain and protect the public health, safety and welfare and to protect the environment of the City; and

WHEREAS, the City has developed, established and adopted policies, procedures, standards, and permits for construction and other activities within the City; and

WHEREAS, the City has concurrent jurisdiction with Clean Water Services (CWS) over inspection and enforcement of CWS regulations; and

WHEREAS, the City wishes to ensure building and construction activities conform to established standards and requirements.

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: The Sherwood Municipal Code, Title 15 (Buildings and Construction) is amended by adding a new Chapter 15.24 to read as follows:

Chapter 15.24 Enforcement and Remedies

15.24.010	Title
15.24.020	Purpose
15.24.030	Responsible Officer
15.24.040	Violation
15.24.050	Inspections
15.24.060	Non Exclusivity
15.24.070	Separate Violations
15.24.080	Notice of Violation and Stop Work Order
15.24.090	Remedies
15.24.100	Penalties

15.24.010 Title

The ordinance codified in this chapter shall be known, and may be pleaded as the City of Sherwood Enforcement and Remedies Ordinance.

15.24.020 Purpose

The purpose of this ordinance is to insure that activities, including construction, conform to the ordinances, rules and regulations, codes, permits and agreements established or adopted by the City. This ordinance provides authority to stop work and assess penalties as established by these rules when necessary.

It provides the authority for the City to take remedial action to abate any condition on property within the City which causes or threatens to cause a public health hazard or a discharge of pollutants to the sanitary or storm water system, or the surface waters of the State, not otherwise permitted by City codes or appropriate county, state or federal permits.

15.24.030 Responsible Officer

The City Manager or designated individual is responsible for enforcing the provisions of this Ordinance.

15.24.040 Violation

Activities, including construction without a permit, construction in violation of a valid permit or agreement or using land contrary to the provisions of this Code or a regulation over which the City has jurisdiction is a violation. If the City receives information concerning such a violation, the Responsible Officer may conduct an investigation to determine whether a violation exists.

The Responsible Officer may request the assistance of other City agencies and officers in the conduct of such investigations.

15.24.050 Inspections

The Responsible Official has the authority to investigate complaints and to conduct such inspections as deemed necessary to insure compliance with this Code or a regulation over which the City has jurisdiction at any reasonable hour.

If a nuisance or other prohibited condition is determined to exist, the Responsible Official shall state the substance of this determination in written form and cause it to be delivered to the owner of the premises and posted on the premises.

15.24.060 Non Exclusivity

These provisions are in addition to and not in lieu of any other procedures and remedies provided by law, including equitable relief and damages.

15.24.070 Separate Violations

Each violation of a separate provision of this Code or a regulation over which the City has jurisdiction is a separate offense and each day a violation is committed or continues is a separate offense.

15.24.080 Notice of Violation and Stop Work Order

If a violation is determined to exist, the Responsible Officer will give notice of the violation to the property owner and, if applicable, to the person in charge of the property. Notice will be accomplished by either personal service or by certified first class mail, return receipt requested. Notice will also be posted on the property. The notice will contain:

1. Location and nature of the violation and the provision or provisions of this Code or other regulation that have been violated; and
2. Whether immediate enforcement will be sought or if a period of up to 10 days will be allowed to correct or remove the violation; and
3. The effective date of the notice will be the date of personal service, or if notice is mailed, 3 days after mailing if the mailing address is within this State and 7 days after mailing if the mailing address is outside the State. A defect in the notice of violation with respect to such matters does not prevent enforcement of this code.

Whenever any work is being done in violation of this Code or a regulation over which the City has jurisdiction that causes, or threatens to cause an imminent public health hazard, or a discharge of pollutants to the sanitary or storm water system, or the surface waters of the State not otherwise permitted by City codes or appropriate county, state or federal permits; the Responsible Officer may order the work stopped by notice in writing served on any person(s) engaged in the work and any such person shall immediately stop such work until authorized by the Responsible Officer to proceed. The failure to stop work is considered a violation.

15.24.090 Remedies

When the Responsible Official determines that a prohibited condition or nuisance constitutes an imminent threat to public health or safety, the site will be posted with a Stop Work Order requiring an immediate cessation of all work on the site. Action may be taken by the owner to remedy the condition; however, additional work at the site may not proceed until the Stop Work Order is lifted.

The City may perform necessary abatement of any condition on property which causes, or threatens to cause an imminent public health hazard or a discharge of pollutants to the sanitary or storm water system, or the surface waters of the State, not otherwise permitted by City codes or appropriate county, state or federal permits. Action as necessary may be taken to stabilize the condition to be abated, to provide notice of the abatement as described in the above sections as soon as practicable and to charge the cost of the abatement to the property owner

15.24.100 Penalties

A violation may be the subject of criminal, civil or other sanctions as authorized by law. For civil penalties and remedies, the following rules apply:

1. The Responsible Officer is authorized to impose a civil penalty of up to \$1,000.00 for any violation of this Code or partner regulation. This penalty may be modified as listed in the City of Sherwood Fee Schedule.
2. When imposing a penalty amount the responsible officer will consider the following factors:
 - a. Any prior violations of this Code or partner regulation and whether those violation were remedied in a timely manner;

- b. The magnitude of the violation;
- c. Whether the violation was repeated or continuous; and
- d. Whether the violation was intentional or the result of negligence.

Section 2. Effective Date: This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 4th day of March 2008.

Approved by the Mayor this 4th day of March 2008

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, City Recorder

	AYE	NAY
Weislogel	_____	_____
Luman	_____	_____
King	_____	_____
Henderson	_____	_____
Heironimus	_____	_____
Grant	_____	_____
Mays	_____	_____