

ADMINISTRATION

Chapter 2

ENFORCEMENT AND PENALTIES

Sec. 201. ENFORCEMENT AGENCY

Interpretation and enforcement of these Standards shall be the responsibility of the Ferndale Public Works Director, unless specified otherwise.

Sec. 202. STOP WORK ORDERS - COMPLIANCE NOTICES

- A. **Stop Work Orders.** Whenever any work is being done contrary to the provisions of these standards, the Public Works Director may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Public Works Director to proceed with the work.
- B. **Notice of Non-Compliance.** Whenever the Public Works Director determines that any existing land alteration on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the land alteration work is located, or other person or agent in control of said property, upon receipt of notice in writing from the Public Works Director shall within the period specified therein, repair or eliminate the land alteration so as to eliminate the hazard and be in conformance with these Standards.

Sec. 203. VIOLATIONS

It shall be unlawful for any person, persons, firm or corporation, to construct, enlarge, alter, repair, improve, remove, convert or demolish or maintain any land improvement or development subject to the provisions of these standards or cause or permit the same to be done in violation of these standards. Any person, firm or corporation violating any of the provisions of these standards shall be subject to the penalties set forth in this chapter.

- A. Failure to comply with measures set forth herein shall result in revocation of permits and forfeiture of all rights to occupy or otherwise use the identified development.

Sec. 204. PENALTIES

The following penalties shall be assessed on persons violating the provisions of these standards as adopted by ordinance:

- A. Any person, firm or corporation who violates any of the provisions of these standards, or who fails to obtain any permit or approval required by these standards or who fails to comply with conditions of any permit or approval authorized under the provisions of this chapter shall be guilty of a civil offense and shall be fined a sum not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.
- B. The penalty provided in the above section shall be imposed by notice in writing, either by certified mail with return receipt requested or by personal service, to the person, firm or corporation incurring the same from the City of Ferndale Public Works Department. The notice shall include the amount of penalty imposed and shall describe the violation with reasonable particularity in ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.
- C. Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the City Manager, for remission or mitigation of such penalty. Upon receipt of the application, the City Manager may remit or mitigate the penalty upon whatever terms the City Manager in his/her discretion deems proper. The City Manager's final decision on mitigation or revision shall be reviewed by the City Council if the aggrieved party files a written appeal therewith of said decision with ten (10) calendar days of its issuance. The decision of the City Council regarding the penalty imposed shall be final.
- D. The City Attorney may, at his/her discretion, bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of this ordinance are prevented or cease, and to otherwise enforce the provisions of this ordinance.
- E. In the event any person, firm or corporation violates any of the provisions of this ordinance, the Department of Public Works shall cause a notice of violation to be delivered to a person of suitable age at the site of the violation and order all work to cease until authorized to proceed. Failure to comply with any order to stop work shall be a gross misdemeanor punishable upon conviction by minimum fine of five hundred dollars (\$500.00) up to a maximum fine of one thousand dollars (\$1,000.00) or one (1) year in jail, or both. Under no circumstances may the court defer or suspend any portion of the minimum five hundred dollar (\$500.00) fine for any conviction under this section. Each day or part thereof of noncompliance with said order to stop work shall constitute a separate offense.

Sec. 205. CAVEAT AND DISCLAIMER

It is the specific intent of this ordinance to place the obligation of complying with its requirements upon the owner of the property or land within its scope, and no provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees running to any specific person or entity. Nothing contained in this ordinance shall be construed as a guarantee or warranty on the part of the City that site development has been or will be accomplished in accordance with the provisions of this ordinance, nor shall it be construed to create or form the basis for any liability on the part of the City or its officers, employees or agents for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this ordinance, or by reason or in consequence of any inspection notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees, or agents.

Sec. 206. SEVERABILITY

If any of these Standards as established by Ordinance shall be found invalid, all other parts shall remain in effect.