ORDINANCE NO. 1036

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 15, "BUILDINGS AND CONSTRUCTION", BY ADDING A NEW CHAPTER, CHAPTER 15.06, "CONSTRUCTION ACTIVITY STANDARDS", WHICH CALLS FOR A RESOLUTION ESTABLISHING CONSTRUCTION ACTIVITY STANDARDS AND REQUIRES APPLICANTS FOR BUILDING PERMITS TO SUBMIT A CONSTRUCTION ACTIVITY PLAN WHICH ADDRESSES, WITHOUT LIMITATION, PARKING, TRAFFIC CIRCULATION, SCREENING, LITTER AND DEBRIS, NOISE, CONSTRUCTION STAGING AND STORAGE OF MATERIALS AND ESTABLISHES PENALTIES FOR FAILURE TO ABIDE BY SUCH PLAN; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A CODIFYING CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR PUBLICATION; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the volume and intensity of construction has increased dramatically in the City of Ketchum over the past several years; and

WHEREAS, as a result of such increased construction activity, the City has received numerous complaints that the quality of life in the City has been substantially degraded due to the noise, traffic, litter, debris, visual impacts, impacts on parking and other impacts of construction amounting to a substantial threat to the public health, safety and welfare; and

WHEREAS, the City formed a Construction Mitigation Committee to review such threat to the public health, safety and welfare and to make recommendations to minimize such threat; and

WHEREAS, the 2001 *City of Ketchum Comprehensive Plan, Part 10,* addresses growth management and states policies, one of which is to examine the impacts of growth and construction on the quality of life, including consideration of growth management strategies; and

WHEREAS, one of the short term action plans for growth management is to develop standards for construction activity, including standards for truck routes, excavation, fill activities, pedestrian impacts, noise, air and water quality; and

WHEREAS, the 2001 *City of Ketchum Comprehensive Plan, Part 11,* addresses property rights and establishes as a goal protecting private property rights when balancing development impacts on adjoining private properties and the general community as a goal; and

WHEREAS, the Construction Mitigation Committee has determined that the threat to the public health, safety and welfare caused by the negative impacts of construction will be reduced by requiring applicants for building permits to submit a construction activity plan which addresses, without limitation, parking, traffic circulation, screening, litter, debris, noise, construction staging and storage of materials and which establishes penalties for failure to abide by such plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho, as follows:

SECTION 1. FINDINGS. The Mayor and City Council of the City of Ketchum Idaho hereby find as follows:

1. Incorporation of Recitals. The Recitals set forth above are hereby incorporated in this Ordinance by reference.

2. Valid Exercise of Police Powers. The Mayor and City Council of the City of Ketchum Idaho hereby find that the noise, traffic congestion, debris, dust, negative impacts on parking, vibrations and visually aesthetic impacts on the residents of the City of Ketchum due to construction constitute a threat to the public health, safety and welfare and further that the regulations set forth in this Ordinance are reasonable and necessary means to regulate and control such threats.

SECTION 2: That a new Chapter 15.06, Title 15 of the Ketchum Municipal Code, "CONSTRUCTION ACTIVITY STANDARDS", is hereby created to require applicants for building permits to submit a construction activity plan as a prerequisite to obtaining a building permit as follows:

CHAPTER 15.06

CONSTRUCTION ACTIVITY STANDARDS

SECTIONS:

15.06.010: PURPOSE
15.06.020: APPLICABILITY
15.06.030: CONSTRUCTION ACTIVITY STANDARDS AND PLAN
15.06.040 ENFORCEMENT, VIOLATIONS AND PENALTIES

15.06.010 **PURPOSE:** The purpose of these regulations is to cause all real property owners, developers, builders, contractors and sub-contractors who engage in construction within the City of Ketchum to mitigate the negative impacts of such construction upon the health, safety and welfare of the residents of and visitors to the City of Ketchum by planning for the mitigation of such impacts and by adhering to a construction activity standards plan. Without limitation, these regulations are intended to reduce the negative impacts of construction on parking and traffic circulation, to reduce the noise, debris, litter and dust caused by construction and to facilitate orderly construction staging and storage of materials.

15.06.020 APPLICABILITY:

These regulations shall apply to all applications for and issuance of building permits as called for in Ketchum Municipal Code Section 15.04, including all projects in construction activity standards zones 1 & 2 as set forth below and all projects in excess of two thousand five hundred (2,500) square feet of either net new construction or net remodeling or repairs in zone 3,

hardscape, street cut and excavation projects in all zones and all existing projects meeting the above-referenced criteria that have already been issued building permits that will not be completed within ninety (90) days of publication of this Ordinance.

Construction activity standards zones 1, 2 & 3 are hereby established as represented on the construction activity standards zone map, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, and are hereby defined as follows:

Zone 1. Zone 1 shall include the area within the perimeter of 2nd Street from 1st Avenue to Spruce Avenue, Spruce Avenue from 2nd Street to 4th Street, 4th Street from Spruce Avenue to Walnut Avenue, Walnut Avenue from 4th Street to 5th Street, 5th Street from Walnut Avenue to East Avenue, East Avenue from 5th Street to 6th Street, 6th Street from East Avenue to Leadville Avenue, Leadville Avenue to 8th Street, 8th Street from Leadville Avenue to Warm Springs Road, Warm Springs Road from 8th Street to 6th Street, 6th Street from Warm Springs Road to Washington Avenue, Washington Avenue from 6th Street to 5th Street, 5th Street from Washington Avenue to 1st Avenue, 1st Avenue from 5th Street to 2nd Street, Warm Springs Road from Skiway Drive to Gates Road, Gates Road from Warm Springs Road to Picabo Street, both sides of Picabo Street to Skiway Drive to Warm Springs Road, including all of Ritchie Drive, Howard Drive and Jane Lane.

Zone 2. Zone 2 shall include the area within the perimeter of Highway 75 from Serenade Lane to Emerald Street, Emerald Street to Leadville Avenue, Leadville Avenue to River Street, River Street from First Avenue to 1st Street, 1st Street from East Avenue to Spruce Avenue, Spruce Avenue from 1st Street to 2nd Street, 2nd Street from Spruce Avenue to First Avenue, First Avenue from 2nd Street to 5th Street, 5th Street from First Avenue to Washington Avenue, Washington Avenue from 5th Street to 6th Street, 6th Street from Washington Avenue to Warm Springs Road, Warm Springs Road from 6th Street to 8th Street, 8th Street from Warm Springs Road to Highway 75, Highway 75 from 8th Street to Saddle Road, Saddle Road to Warm Springs Road, Warm Springs Road to 10th Street, 10th Street from Warm Springs Road to First Avenue, First Avenue from 10th Street to 8th Street, 8th Street from First Avenue to Second Avenue, Second Avenue from 8th Street to 6th Street, 6th Street from Second Avenue to Third Avenue, Third Avenue from 6th Street to 4th Street, 4th Street from Third Avenue to Second Avenue, Second Avenue from 4th Street to Serenade Lane and the entire Thunder Springs complex.

Zone 3. Zone 3 shall include all areas not included in Zone 1 or 2.

Arterial and Collector Routes shall include Hwy 75 from the southern boundary of Ketchum to the north at the intersection of Saddle Road; Saddle Road east to Sun Valley City limits to west at intersection of Warm Springs Road.; Warm Springs Road at intersection of Hwy 75 west to Gates Road; Eighth Street at Warm Springs Road west to 2nd Avenue; Fifth Street from Spruce Avenue west to 2nd Avenue; Sun Valley Road from Spruce Avenue west to 3rd Avenue; First Street at East Ave west to 2nd Avenue; East Avenue at First Street north to Sun Valley Road; 2nd Avenue at Serenade Lane north to Eighth Street; Serenade Lane from Hwy 75 west to 2nd Avenue; 3rd Avenue at the south city limits north to Sun Valley road.

15.06.030 CONSTRUCTION ACTIVITY STANDARDS AND PLAN: Prior to the issuance of any building permit for any project subject to Section 15.06.020 above, the Ketchum Building Official shall receive and approve a construction activity plan, pursuant to standards established in a resolution passed by the Ketchum City Council, which shall be comprehensive and clearly organized so that everyone involved in the project has a clear understanding of the City's expectations for all construction which is the subject of such permit. At all times until the final certificate of occupancy is issued for such project, the general contractor, landscaping contractor or other person primarily responsible for the work being performed under the building permit shall, ensure that all work performed on the project and all materials and equipment delivered to the project comply with the construction activity standards established in the resolution and in the plan. Without limitation, the resolution, standards and plan shall address the impacts of the following activities:

1. General Information and Schedule.

2. Excavation.

3. Vehicle Parking and Traffic Control.

4. Material Storage/Deliveries.

5. Temporary Restrooms, Job Shacks, Dumpsters.

6. Screening.

7. Use of Right-of-Ways.

8. Noticing.

9. Ability to Reject Plan.

10. Appeals.

11. Enforcement.

15.06.040 ENFORCEMENT, VIOLATIONS AND PENALTIES: In the event that any individual or entity providing labor, material, equipment or services to a project fails to comply with the applicable construction activity plan or with any standards set forth in a resolution duly adopted by the Ketchum City Council, the Building Official shall issue a stop work order ("red tag") on the Project suspending all work or other activity on the project until such failure is corrected. .

The standards and enforcement provisions set forth herein are in addition to all other standards, rules, enforcement mechanisms, penalties and legal and equitable remedies available to the City including, without limitation, the rules and enforcement provisions set forth in

Ketchum Municipal Code Sections 8.08 "Nuisances", 9.08 "Offenses Against Public Peace and Decency", 15.04 "Uniform Codes Adopted" (2006 International Building Code), and 17.156 "Enforcement" (Zoning Code) all as they currently exist and as they may be amended from time to time. In the event of any conflict between the construction activity standards or plan and any other applicable standards, rules, resolutions or ordinances of the City of Ketchum, the more restrictive shall apply.

SECTION 3. SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 4. CODIFICATION. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 5. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 6. PUBLICATION. This Ordinance shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 7: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law which is May 14, 2008.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor on this 5th day of May, 2008.

APPROVED:

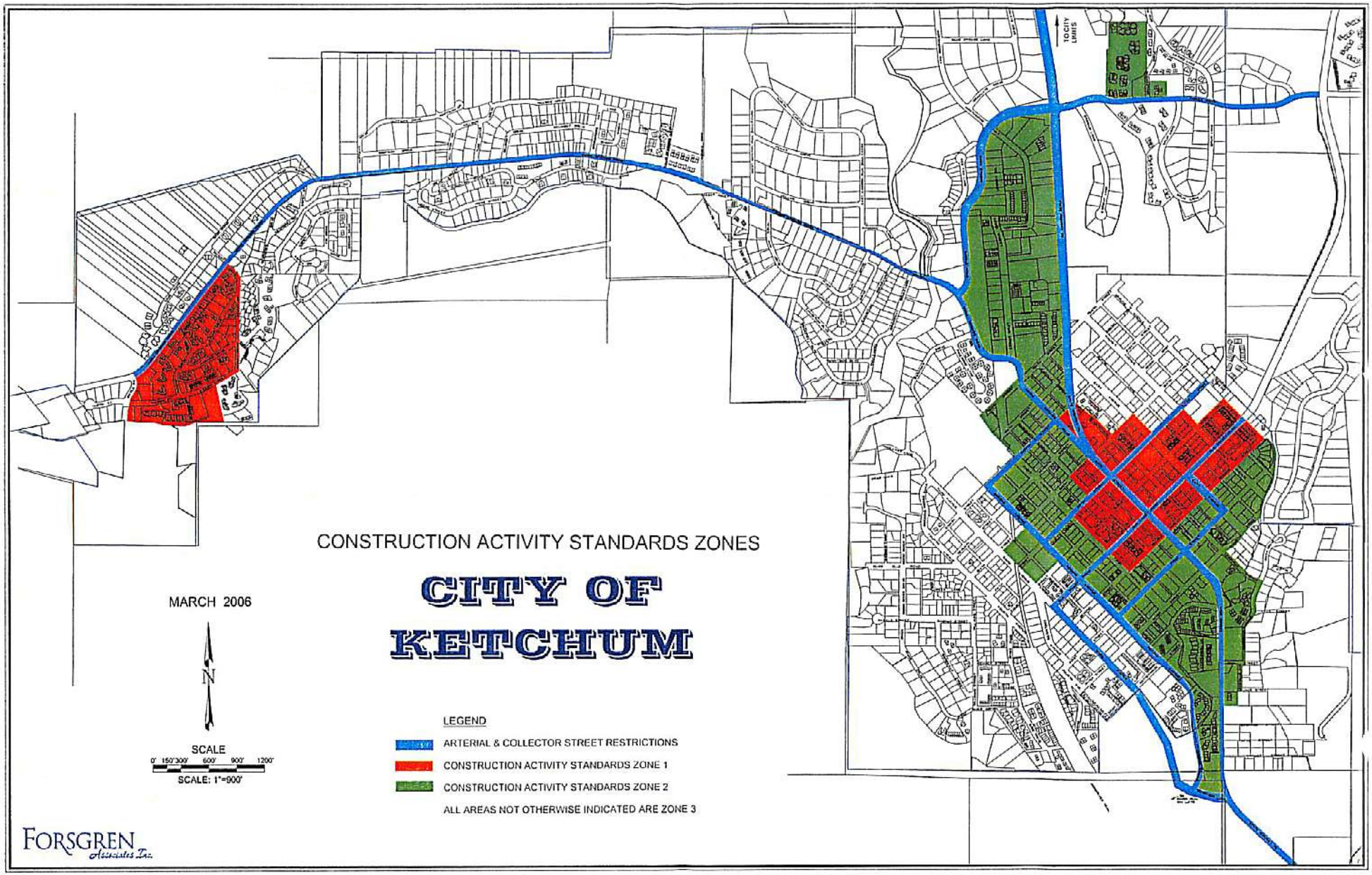
Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

By: _____
Benjamin W. Worst,
City Attorney



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