



City of Ketchum

**CITY COUNCIL MEETING AGENDA MEMO**

Meeting Date: May 15, 2023 Staff Member/Dept: Morgan Landers, AICP – Director of Planning and Building

Agenda Item: Recommendation to review and adopt the Construction Management Plan Enforcement and Contractor Parking Policy.

Recommended Motion:

I move to approve the Construction Management Plan Enforcement Policy and Contractor Parking Policy and make the policy effective as of June 15, 2023.

Reasons for Recommendation:

- The City of Ketchum has seen an increase in construction within the community core over the past few years. Each development has an approved Construction Management Plan (CMP) reviewed and approved as part of a building permit application which stipulates construction management for all construction related activities or needs including requirements for contractor parking and allowed use of public rights-of-way, among others.
- The city is experiencing an increase in instances where CMPs are not being adhered to, which impacts local businesses, residents, visitors, and city maintenance operations.
- Much of the city’s on-street parking inventory is being occupied by contractors working on developments within the community core, limiting available parking for businesses. Additionally, temporary closures of city streets are occurring for construction activities without required permits.
- The Ketchum Municipal Code 15.06.040 allows the issuance of a Stop Work Order when CMPs are not adhered to, however, some CMP violations are not egregious enough to warrant a stop work order.
- The recommended policy provides a clear process and increasing infraction system to encourage compliance with approved CMPs.

Policy Analysis and Background (non-consent items only):

*CMP Enforcement*

As noted above, not all CMP violations warrant a Stop Work Order on a job site. However, the city does not have an alternative enforcement protocol to encourage compliance. The draft CMP Enforcement Policy included as Attachment 1 outlines the proposed policy. As graphically shown in Attachment 2, the policy is structured as a “three strikes you’re out” approach.

Infraction #1 – Infraction and fine issued, set time for remedy of violation.  
 Infraction #2 – Infraction and fine issued, set time for remedy of violation.  
 Infraction #3 & Stop Work Order – Infraction, Stop Work Order, and find issued. Job site must shut down until all violations are remedied and fines are paid.

The Planning and Building Department will work jointly with the Community Service Officers to deploy the policy and bring construction projects into compliance with their CMPs. With any change in policy, it is beneficial to provide some lead time before the new policy goes into effect. Staff recommends an effective date of June 15, 2023. This would provide staff an opportunity to conduct outreach to the construction projects in process and provide them time to adjust their plans for the remainder of the construction timeframe.

*Contractor Parking Locations*

As noted above, the city receives frequent feedback from business owners that critical parking for patrons is being occupied by contractors working on job sites in the downtown. The Ketchum Municipal Code states that “For projects with greater than 15 vehicles daily at the job site, an alternative parking site shall be identified in the construction activity plan”. However, due to the type of construction in the community core, job sites can’t accommodate the 15 vehicles permitted. Additionally, contractors represent to staff that off-site parking locations are not widely available in the Community Core or the Light Industrial District.

In an effort to manage contractor parking within the community core, staff recommend that contractor parking not be permitted in time-limited parking spaces but permitted in non-time limited parking spaces. This strikes a balance where some parking in downtown is permitted, but less impactful on local businesses and visitors.

Sustainability Impact:

None OR state impact here: Approval of the policy does not limit the city’s ability to reach its sustainability goals outlined in the Sustainability Action Plan.

Financial Impact:

None OR Adequate funds exist in account:	None
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Attachments:

- |                   |
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| 1. Draft Policy   |
| 2. Policy Graphic |



City of Ketchum

## CONSTRUCTION MANAGEMENT ENFORCEMENT POLICY

Revised: 5/9/2023

### Policy Statement

The mission of the Planning & Building Department and its Community Service team is to safeguard the health, safety and general welfare of the public within the City of Ketchum. They are also tasked with preserving the quality of life and contributing to the economic development of the town. Through education and enforcement of the adopted construction codes and standards, compliance can be achieved.

The Construction Management Enforcement Policy is used to achieve three major goals:

1. Minimize the impact of construction on the community's residents, visitors, and businesses,
2. Ensure Compliance with adopted codes and standards and provide safe construction practices within the community, and;
3. Provide a deterrent and achieve accountability for not properly complying with codes and standards.

### Departments Affected

Planning & Building Department  
Streets Department  
Clerk's Office/Community Service Officers (CSO)

### Purpose

To establish policy regarding how Infraction Notices and Stop Work Orders, in conjunction, are utilized, issued, resolved and/or penalized.

### Procedures

The following enforcement procedures only pertain to projects that have a valid Building Permit issued by the City of Ketchum.

- A. When an initial complaint or violation is reported or found, an **Infraction Notice** may be issued by the CSO.
  - a. If reported by a member of the community, a CSO will perform an investigation into the complaint. This may include a site visit, phone calls, or any other research necessary to verify the complaint and gather evidence. A check of the building permit

tracking software and other relevant documents must be conducted to ensure there is in fact a violation.

- b. If a violation is found during a routine inspection by any City of Ketchum staff, evidence will be gathered, and the **Infraction Notice** may be issued immediately.
- B. The **Infraction Notice** shall be delivered to the property owner, authorized owner's representative or the person performing the work. If no one is available for personal delivery, the notice shall be placed in plain view at the site of violation and a notification via email or phone call shall be given notifying the applicable parties that an **Infraction Notice** was issued.
- C. **Infraction Notices** do not require that the entire construction site be shutdown. Instead, they require that the violation be remedied within a clearly stated time frame (one-hour, same day, twenty-four hours etc.) and/or require obtaining applicable permits.
- D. The owner or authorized owner's representative are required to remedy the infraction within the stated time period and pay a \$300 fine.
- E. If no adequate response occurs within the stated time frame, a **Second Infraction Notice** will be issued for the same violation.
- F. **Second Infraction Notices**, for the same violation or for a new violation will follow the same procedures as the first notice, stated above.
- G. The issuance of the **Third** and **Final Infraction Notice**, for previous violations or a new violation, will be issued in conjunction with a **Stop Work Order** issued by the City and a fine of \$400 (cumulative \$1,000 for the three infraction notices) will be assessed.
- H. Upon this issuance the entire construction site must be completely shut down and no further activity shall occur.
- I. A violation notice will also be placed in the City of Ketchum's building permit file. This notice effectively "locks" the parcel number and no permits, inspections or other application associated with the parcel can be completed until the violation has been resolved.
- J. The owner or authorized owner's representative are required to contact the Planning and Building Department within two business days of the issued order to receive instructions on how to comply and rescind the order.
- K. If no response is received within the allotted timeframe a certified letter will be mailed to the property owner of record per Blaine County records. The certified letter will detail the violation(s) and instructions on how to comply. The property owner will have ten business days from date of certified letter to respond accordingly.
- L. If no response is received, a citations/summons may be issued, and the property owner may be subject to other penalties as prescribed by law.
- M. Compliance is achieved by the owner or owner's representative remedying all violations, resubmitting a new construction management plan that directly addresses said violations and payment of the \$1,000 **Stop Work Order** fine.
- N. If and when compliance is achieved, the City will rescind the **Stop Work Order** and release the project.
- O. These procedures can be easily understood and informally stated as: **First Infraction Notice** (Strike #1), **Second Infraction Notice** (Strike #2), **Third Infraction Notice** (Strike #3) (You're Out!) **Stop Work Order**.

# Construction Management Enforcement Policy

May 9, 2023

## Infraction #1

- **Strike 1**
- Does not require entire site be shutdown
- Remedy within stated timeframe (one-hour, same day, 24 hours etc.)
- Pay \$300 fine
- No adequate response within stated time frame? Infraction #2 issued

## Infraction #2

- **Strike 2**
- Does not require entire site be shutdown
- Remedy within stated timeframe (one-hour, same day, 24 hours etc.)
- Pay \$300 fine (\$600 cumulative)
- No adequate response within stated time frame? Infraction #3/Stop Work Order issued

## Stop Work Order

- **Strike 3, You're Out!**
- Issued in conjunction with Infraction #3. Entire construction site must be completely shut down
- Pay \$400 fine (\$1,000 cumulative)