

ORDINANCE NO. 1253

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 15 – BUILDINGS AND CONSTRUCTION, SECTION 15.04.020: AMENDMENTS, TO REMOVE THE BUILDING PERMIT EXPIRATION REQUIREMENTS AND TO AMEND THE MAXIMUM PROJECT DURATION PROVISION; AND SECTION 15.06.030: CONSTRUCTION ACTIVITY STANDARDS AND PLAN, TO CLARIFY THE STANDARDS AND ADD NEW CONSTRUCTION STANDARDS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum, pursuant to Idaho Code §39-4116(2) and as a local government that issues building permits and performs building code enforcement activities, adopted the International Building Code and International Residential Code as published by the International Code Council and amended by the Idaho building code board through the negotiated rule making process;

WHEREAS, the City of Ketchum (the “City”), pursuant to Idaho Code §39-4116(4), may amend the adopted codes or provisions of the above referenced codes to reflect local concerns, if such amendments establish at least an equivalent level of protection. §39-4116(4)(e);

WHEREAS, the City, pursuant to Idaho Code §31-714 “. . . may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein...”;

WHEREAS, City Departments collaborated to conduct an audit of code provisions pertaining to Building Department functions to identify amendments to clarify the requirements and reduce inconsistencies;

WHEREAS, the City received feedback from the Technical Advisory Group (TAG) and from members of the contractor community on the proposed amendments;

WHEREAS, the City Council held a public hearing on Jan 16, 2024 to review the ordinance and information;

FEB 5, 2024
FEB 20, 2024

WHEREAS, the City Council held three readings of Ordinance 1253 on Jan 16, 2024, Feb 5, 2024, and Feb 20, 2024, resulting in approval of this ordinance;

WHEREAS, the City Council hearings were duly noticed per the requirements of Idaho Code Section 67-6509; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM

SECTION 1. AMENDMENTS TO SECTION 15.04.020.A.3.c – 105.5 EXPIRATION

c. *Section 105.5 Expiration.* is amended as follows:

Section 105.5 Expiration

1. Maximum Project Duration. Under no circumstances may any project exceed three (3) years of construction activity from the date the building permit was issued, unless otherwise agreed upon in writing by the Building Official. After three (3) years, a building permit shall be considered null and void and the applicant shall reapply for a new building permit for the unfinished portions of the project and shall pay all applicable fees. The new building permit shall be subject to the current City adopted building codes.

SECTION 2. AMENDMENTS TO SECTION 15.04.020.B.2.b -- R105.5 PERMITS

b. *Section R105.5 Permits.* is amended as follows:

1. Maximum Project Duration. Under no circumstances may any project exceed three (3) years of construction activity from the date the building permit was issued, unless otherwise agreed upon in writing by the Building Official. After three (3) years, a building permit shall be considered null and void and the applicant shall reapply for a new building permit for the unfinished portions of the project and shall pay all applicable fees. The new building permit shall be subject to the current City adopted building codes.

SECTION 3. AMENDMENTS TO SECTION 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 of this chapter, the building permit application shall include a construction activity plan and/or narrative prepared by the general contractor or permit holder. At all times until the final certificate of occupancy or certificate of completion is issued for such project, the general contractor or permit holder 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 this Code and in the approved construction activity plan. Without limitation, the construction activity plan shall address the impacts of all of the following activities as applicable:

A. *General information.*

1. The construction activity plan shall notate that the general contractor or permit holder is responsible for all subcontractors and will be held responsible for all aspects of the construction activity plan.
2. The property address shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4") inches tall, have a minimum half inch (1/2") brush stroke,

contrast with their background, and be positioned a minimum of forty-eight inches (48") above final grade.

3. Vehicle parking, material storage, dumpsters, job site trailers, and other temporary installations during construction shall not restrict or obstruct emergency access to any building. An approved emergency apparatus access shall be made available and shall be maintained clear and unobstructed. The emergency apparatus access shall be a minimum of 20-feet wide and extend to within 150-feet of all exterior areas of the building(s). During times of construction activities, alterations to the fire apparatus access dimensions may be approved by the Fire Department where the standard dimensions cannot be provided. The designated emergency apparatus access shall be depicted with dimensions on the construction activity plan.
4. For projects involving a temporary tower crane, the construction activity plan shall depict the crane's location and swing arc. The crane shall only swing with materials loaded inside of the construction site or areas approved in a Temporary Use of the Right of Way Permit (TURP).
5. For projects disrupting public transportation services, the applicant is required to coordinate with the public transit provider and shall submit documentation of the approved temporary condition with the construction activity plan.

B. *Excavation.*

1. Exact amounts of cut and fill in cubic yards, including temporary cuts and backfill, shall be specified on the construction activity plan. For projects that do not involve excavation, the construction activity plan shall notate that there is no cut and fill.
2. Stockpile areas within the Ketchum City Limits, on or off site, shall be notated on the construction activity plan.
3. Dust, mud, sand, and gravel control is required on all City streets. The construction activity plan shall contain provisions for daily cleaning of vehicles, tires, and affected City streets.
4. The construction activity plan shall identify dust abatement practices to be employed.

C. *Vehicle parking and traffic control.*

1. Proposed parking, including the number of vehicles, shall be depicted on the construction activity plan. Parking shall occur on the building site, with secondary parking on the City right-of-way adjacent to the property under construction at the discretion of the City Engineer.
2. In cases where parking on both sides of the street would reduce the available travel surface to below 26 feet in width, the construction activity plan shall depict that parking is limited to one side of the street.
3. For projects with greater than 5 vehicles daily at the job site, an alternative parking site shall be identified in the construction activity plan. The construction activity plan shall also notate the shuttling plan for projects which utilize an

alternative parking location offsite. If an applicant can demonstrate that a jobsite is able to accommodate more than 5 vehicles, the City Engineer may approve of more vehicles daily at the job site.

4. "No parking" areas shall be identified on the construction activity plan as necessary.
5. Temporary traffic control as necessary for materials delivery and hauling shall be shown on the construction activity plan.
6. The construction activity plan shall notate that speed limits for construction vehicles shall be limited to 15 miles per hour within one block of a construction site, unless otherwise determined by the Ketchum Police Department.

D. *Material storage/deliveries.*

1. All material storage areas shall be depicted on the construction activity plan. Material storage shall not obstruct visibility within 40 linear feet of street and alley frontage fence corners unless otherwise approved by the City Engineer.
2. Delivery truck routes shall be depicted on the construction activity plan. Arterial streets shall be utilized where possible.

E. *Temporary restrooms, job shacks, dumpsters.*

1. Temporary restrooms, job shacks and dumpsters shall be depicted on the construction activity plan and shall not obstruct visibility within 40 linear feet of street frontage fence corners unless otherwise approved by the City Engineer. If no temporary restroom is proposed, the construction activity plan shall notate that an existing restroom onsite will be utilized.

F. *Fence and screening.*

1. For all projects involving exterior construction and material storage yards, the construction activity plan shall depict a six-foot high construction or temporary fence around the perimeter of the job site.
2. The construction activity plan shall indicate a screening material for the construction fence with 85% or greater blockage. Corner lots shall contain no screening within 40 linear feet of street frontage and alley fence corners.
3. The construction activity plan shall indicate that fence gates shall not open outward the property.

G. *Use of rights-of-way.*

1. Proposed use of the City's right-of-way shall be depicted, with dimensions, on the construction activity plan, and a TURP shall be obtained prior to use of the City's right-of-way. Additional TURPs are required for any use of the right-of-way not depicted on the construction activity plan.
2. The condition of the right-of-way shall be documented with photographs and submitted with the construction activity plan. Street Department personnel may conduct a site visit prior to issuance of building permit to verify the condition of the right-of-way. The construction activity plan shall notate that repair of damage

to the right-of-way shall be the responsibility of the general contractor or permit holder.

3. The construction activity plan shall depict the locations of manholes and fire hydrants and notate that they may not be obstructed at any time. Unless otherwise approved by the Fire Department, a minimum 15-foot area on both sides and 3-foot area to the rear of any fire hydrant shall be maintained clear and unobstructed at all times. Construction fencing is not permitted to reduce or restrict access to any fire hydrant without approval from the Fire Department. It is the responsibility of the general contractor or permit holder to remove all snow within thirty-six inches (36") from all sides of any fire hydrant at the construction site.
4. The general contractor or permit holder is responsible for all snow removal within the construction fence and barricades. Snow from within construction fences shall not be placed in the right-of-way. The general contractor or permit holder may also be responsible for snow removal in the immediate area surrounding the construction site if City plows cannot safely reach.
5. For projects involving sidewalk closures, the construction activity plan shall depict protected pedestrian ADA routes that are a minimum of four feet in width and lined with concrete barriers. The plan shall also indicate the location of the temporary sidewalk closure signage.

H. *Noticing.*

1. Prior to building permit issuance, all properties within a 300-foot radius of the project shall be provided notice of the project, schedule, and the general contractor's contact information. The construction activity plan shall include a copy of the project notice and a list of the properties to be noticed.
2. For jobsites adjacent to businesses, signage shall be placed in key areas indicating the business's name and public access point. The construction activity plan shall depict the location and verbiage of the signage.

I. *Site clean up.*

1. The construction activity plan shall notate that the job site shall be kept in a clean and orderly condition. Trash and construction debris shall be picked up on the site and surrounding areas on a daily basis, and materials shall be stored in neat, tidy piles.

J. *Riparian, hillside and tree protection.*

1. Riparian, hillside and tree protection measures shall be depicted on the construction activity plan as applicable.
2. The construction activity plan shall depict a silt fence installed along the 25-foot riparian setback to protect the riparian zone from disturbance for the duration of construction.
3. The construction activity plan shall depict the location of trees to be preserved and shall notate that the trees shall be fenced at the drip line for the duration of construction.

4. Projects in the Mountain Overlay Zoning District or containing slopes greater than 25 percent shall be fenced pursuant to the design review conditions of approval.

K. *Reseeding of disturbed areas.*

1. For projects with design review approval, all disturbed areas shall be returned to a finished condition per the approved landscaping plan prior to issuance of a certificate of occupancy, except as provided for in title 17, chapter 17.96, "Design review", of this Code.

L. *Administrative exemptions.*

1. Administrative exemptions may be granted by the Building Official for special circumstances on a case by case basis.

SECTION 4. SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof of the application to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

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, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as "Exhibit A" 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 after its passage, approval and publication, according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 20th day of February, 2024.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this 20th day of February, 2024.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Trent Donat, City Clerk



EXHIBIT A

PUBLICATION SUMMARY

ORDINANCE NO. 1253

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 15 – BUILDINGS AND CONSTRUCTION, SECTION 15.04.020: AMENDMENTS, TO REMOVE THE BUILDING PERMIT EXPIRATION REQUIREMENTS AND TO AMEND THE MAXIMUM PROJECT DURATION PROVISION; AND SECTION 15.06.030: CONSTRUCTION ACTIVITY STANDARDS AND PLAN, TO CLARIFY THE STANDARDS AND ADD NEW CONSTRUCTION STANDARDS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1253 of the City of Ketchum, Blaine County, Idaho, adopted on February 20 2024, is as follows:

- SECTION 1.** Removes the local building permit expiration amendment of the International Building Code and International Residential Code.
- SECTION 2.** Amends the maximum project duration to allow for extensions on a case by case basis.
- SECTION 3.** Clarifies existing construction activity standards and introduces new construction activity standards.
- SECTION 4.** Provides a savings and severability clause.
- SECTION 5.** Provides a repealer clause.
- SECTION 6.** Provides for publication by summary.
- SECTION 7.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk’s Office, Ketchum City Hall, 191 5th Street West, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST:

APPROVED:



Trent Donat, City Clerk



Neil Bradshaw, Mayor

