



City of Ketchum

CONSTRUCTION MANAGEMENT ENFORCEMENT POLICY

Effective 6/15/2023

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**.