RESOLUTION NUMBER 08-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO ESTABLISHING CONSTRUCTION ACTIVITY STANDARDS PURSUANT TO ORDINANCE 1036, REPEALING RESOLUTION NO. 785 AND ESTABLISHING PENALTIES FOR FAILURE TO ABIDE BY SUCH STANDARDS AND ANY CONSTRUCTION ACTIVITY PLAN.

WHEREAS, pursuant to Resolution 785, the City of Ketchum currently has requirements for a Construction Staging Plan; and

WHEREAS, the volume and intensity of construction has increased dramatically in the City of Ketchum over the past several years requiring that Resolution No. 785 be modified to address threats to the public health, safety and welfare cause by construction activities; 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 it; 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; and

WHEREAS, the Construction Mitigation Committee has created the attached Construction Activity Standards to be adhered to when submitting a Construction Activity Plan; and

WHEREAS, such Construction Activity Standards establish penalties for failure to abide by such Standards and plans.

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

SECTION 1. ADOPTION OF CONSTRUCTION ACTIVITY STANDARDS. That the Construction Activity Standards set forth in Exhibit A, attached hereto and incorporated herein by reference are hereby established pursuant to Ordinance 1036.

SECTION 2. REPEAL OF RESOLUTION NUMBER 785. That this Resolution of the City of Ketchum hereby repeals in its entirety Resolution Number 785, and all other resolutions in conflict herewith.

This Resolution will be in full force and effect upon its adoption this 5th day of May, 2008.

CITY OF KETCHUM, IDAHO

Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM AND CONTENT:

Benjamin W. Worst,
City Attorney

CONSTRUCTION ACTIVITY STANDARDS

I. Mandatory Construction Activity Plan and Standards. Pursuant to Ordinance No. 1036, prior to the issuance of any building permit, the owner of the subject property, the developer and the general contractor, landscaping contractor or other person primarily responsible for the work being performed under such permit (the "Contractor") shall submit a construction activity standards plan (the "Plan") to the Ketchum Building Official and receive approval of such Plan from the Building Official. To receive such approval, the Plan must satisfy all of the standards set forth in this Resolution and 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 the applicable building permit. At a minimum and without limitation such Plan shall include the following information and all construction activity shall meet the following standards:

A. General information and schedule.

a. The Plan shall identify the location of the project and describe the nature of the work including a written staging plan in the form of a site map drawn to an appropriate scale showing the location of material storage, dumpster, temporary rest rooms, on-site parking areas for workers and, where applicable, off-site areas used for parking and storage.

b. The Plan shall indicate the schedule and duration of each phase of construction. The schedule shall include or be accompanied by estimates of significant impacts to the city, its residents and surrounding properties and the approximate time frame in which such impacts are expected to occur.

B. Excavation.

a. The Plan shall state the approximate number of truckloads of fill or debris to be hauled on or off site for the project and shall include a route map clearly indicating the route that will be taken in delivering or removing such truckloads..

b. If excavation will take place on any part of a City right-of-way, the Contractor shall obtain a dig permit.

C. Vehicle Parking and Traffic Control.

a. Parking for construction operations shall be restricted pursuant to a mutually agreed upon plan as necessary based upon balancing the day to day parking needs of the immediate area against the operational needs of the Contractor.

D. Material Storage/Deliveries.

a. Off-site material storage/staging is limited to compliance with applicable land use ordinances.

b. Deliveries that will affect vehicular traffic flow must be approved in the Plan.

E. Temporary Restrooms, Job Shacks, Dumpsters.

a. Placement of temporary restrooms, job shacks and dumpsters must be on-site or in an approved location identified in the Plan and appropriately screened from view from the city right-of-way.

F. Screening.

a. Screening, defined as temporary fencing material used to surround construction and off-site storage sites to abate dust, trash, debris, noise and visual unsightliness, shall be used on every construction project in Zones 1 and 2 as identified in Ordinance No. 1036 and as deemed necessary by the Building Official on projects in Zone 3 identified in Ordinance No. 1036 for the duration of the project and shall meet the following requirements:

i. Screening shall be a minimum of six (6) feet tall. The bottom shall start no more than 3 inches above grade.

ii. The fence shall be erected on fence posts securely anchored in a manner approved by the Building Official.

iii. The screen shall provide a minimum of ninety percent (90%) visual screening.

iv. Penetrations in pavement may not be made in the right-of-way without the prior written consent of the Ketchum Street Department. Any damage caused by the fence installation or removal shall be repaired by the Contractor in a manner satisfactory to the City of Ketchum.

v. The fence must be maintained in good condition with a good appearance, rigid, plumb, and safe throughout the construction period.

b. Landscaping (i.e. bushes, trees, etc.) may be used as screening, if it meets the visual screening requirement listed above.

c. Screening shall be placed on the property line or permitted boundary, so as not to interfere with traffic flow, pedestrians in the city right-of-way, or snow removal, if applicable.

G. Noise

a. All noise generated in any manner related to the project shall be managed in compliance with Ketchum Municipal Code Sections 9.08 and 8.08.

H. Use of Rights-of-Way.

a. Use of the city rights-of-way shall be prohibited except for temporary access to and from the project or as approved in the Plan. Compliance with the Manual for Uniform Traffic Control Devices (MUTCD) will be required and enforced on projects using the city right-of-way.

b. Storage of building materials, tools and equipment shall be on-site. Storage of building materials, tools and equipment within the city right-of-way shall be prohibited, except by special permit approved by the Street Superintendent, from November 15th through April 15th and July 1st through September 15th.

c. No excavation will be allowed in any City right-of-way from October 31st through May 1st, except for in emergency situations relating to utilities or as approved by the Ketchum Street Superintendent.

I. Dewatering, Erosion and Silt Control.

a. If the Contractor anticipates any dewatering of the project, the Plan shall provide a detailed dewatering plan which must be submitted and approved by the Building Official prior to any dewatering. Such dewatering plan must be in compliance with all local, state and federal regulations.

b. If unanticipated ground water must be dewatered, a dewatering plan for such groundwater must be submitted to and approved by the Building Official before work on the project may continue.

J. Paving and Resurfacing.

a. Contractors shall be responsible for asphalt repairs to the center line of the street, alley or city right-of-way affected by the project.

b. City Street Superintendent shall inspect and approve all street repairs.

K. Striping, Traffic Marking & Street Maintenance.

a. If regular striping, traffic marking or street maintenance by or for the Ketchum Street Department cannot be completed due to a project's use of the right-of-way, the Contractor shall be responsible for striping, marking or maintenance of such right-of-way in a method approved by the Street Superintendent, as soon as reasonably possible.

L. Snow Removal and Ice Control.

a. The Contractor shall remove snow and ice from the Project area and from an area reasonably in excess of the Project area as designated in the Plan. Snow and ice may not be moved into the right-of-way for removal by the Street Department.

M. Noticing.

a. The Contractor shall post contact information for each responsible party at the project site.

b. Two weeks prior to approval of the Plan, the Contractor shall notice in writing the owners of properties located within three hundred (300) feet of the project and staging area. The notice shall include the proposed scope of work, the work schedule, the periods of expected disruption and the existence of the Plan and the right to review such Plan at City Hall. The Contractor shall pay all costs associated with such notice.

N. Ability to Reject Plan.

The Building Official may reject a Plan if he finds that all applicable requirements cannot or will not be met.

O. Appeals.

If the Building Official rejects a Plan as set forth above, the Contractor may appeal to the Construction Activity Appeals Board for a waiver to be granted upon certain conditions established by such Appeals Board. The Construction Activity Appeals Board consists of the City Administrator, Street Superintendent, Police Chief and City Planner. If the Construction Activity Appeals Board cannot unanimously agree to any such waiver agreement, then the Contractor may appeal to the City Council for its review and decision pursuant to a majority vote of the then-present City Council Members.

P. Enforcement.

In the event that any individual or entity providing labor, material, equipment or services to a project fails to comply with the applicable Plan or the Construction Activity Standards set forth above, 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 in this Resolution are in addition to all other standards, rules, enforcement mechanisms, penalties and legal and equitable remedies of 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 set forth in this Resolution and any other applicable standards, rules, resolutions or ordinances of the City of Ketchum, the more restrictive of the two shall apply.