

DECLARING A MORATORIUM – CITY OF DIETRICH

AN ORDINANCE DECLARING A MORATORIUM NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS PURSUANT TO SECTION 67-6523, IDAHO CODE; FINDING THAT AN IMMINENT THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRES THE ADOPTION OF A MORATORIUM NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS; STATING THE REASONS FOR SAID MORATORIUM; PROHIBITING ANY NEW CONSTRUCTION; SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Section 1. Moratorium.

Pursuant to Section 67-6523, Idaho Code, the Dietrich City Council (“Council”) finds that prior to the completion of the Dietrich Comprehensive Plan (“Comprehensive Plan”), and the Dietrich Zoning Ordinance, which are being prepared for future adoption, that an imminent threat to the public health, safety or welfare requires the adoption of a moratorium not to exceed one hundred twenty (120) days, and for a period not to exceed one hundred twenty (120) days from the proclamation of the moratorium, the Council prohibits any new construction located within the municipal boundaries of the City of Dietrich or its Area of Impact.

Section 2. Findings.

1. The Council finds that it is necessary to first complete the City’s comprehensive plan and zoning ordinance prior to the issuance of a subdivision or mobile home application in order to effect policy determinations regarding future development within the community.
2. The Comprehensive Plan and Zoning Ordinance are not expected to be completed before expiration of the proposed moratorium.
3. To enable sufficient time to study, review and develop these important land use issues which are critical to the future growth of the community it is necessary to adopt an Emergency Moratorium pursuant to Section 67-6523, Idaho Code, for a period not exceeding One Hundred Twenty (120) days.
4. An imminent peril to the public health, safety, and welfare requires adoption of an emergency moratorium for the foregoing reasons.
5. In order to preserve the status quo during this period of study, review and drafting of the comprehensive plan and zoning ordinance, it is necessary to declare a moratorium

on the filing of any new construction located within the City of Dietrich or its Area of Impact. To allow any new construction within the municipal boundaries of Dietrich or its Area of Impact will jeopardize the effective implementation of any land use policies and decisions that result from the study and preparation of the comprehensive plan and zoning ordinance.

Section 3. Pending Applications

This moratorium shall not apply to Subdivision Plats completed and filed pursuant to the Subdivision Ordinance prior to the date of this ordinance.

Section 4. Prohibitions.

Based upon the findings stated in Section 2 of this ordinance, the Council prohibits any new construction located within the municipal boundaries of the city or its Area of Impact.

Section 5. Duration.

The moratorium shall exist for a period not to exceed one hundred twenty (120) days from the date of passage and proclamation of the moratorium as indicated in the last paragraph hereof.

Section 6. Severability.

In the event that any court of competent jurisdiction enters its judgment declaring any portion of this ordinance to be invalid, then such judgment shall only affect that portion of the ordinance so adjudicated; all other remaining portions of this ordinance shall remain in full force and effect.

Section 7. Emergency.

Based on the findings stated in Section 2 of this ordinance, the Council finds that there is an imminent peril to the public health, safety, and welfare which constitutes an emergency and which requires a moratorium as provided herein. An emergency existing therefor, which emergency is hereby declared to exist, this ordinance shall be in full force and effect immediately from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Dietrich.

Section 8. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED BY THE CITY COUNCIL of the City of Dietrich this _____ day of _____, 1996.

Jeanetta Knowles, Mayor

ATTEST:

Iva Lee Green, City Clerk