

ORDINANCE #48

**CITY OF DIETRICH, IDAHO
DECLARING A MORATORIUM ON NEW CONSTRUCTION, BUILDING, AND
SITING OF BUILDINGS OR STRUCTURES**

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, BUILDING OR SITING OF BUILDINGS OR STRUCTURES, PROVIDING A 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 adoption of this moratorium, the Council prohibits any new construction, building, or siting of any buildings or structures located within the municipal boundaries of the City of Dietrich or its Area of Impact.

Section 2. Findings.

1. The Council finds that there is an imminent peril to the public health, safety, or welfare of its citizens by the potential development of new buildings and structures, or the new siting of buildings or structures within the community.
2. The City recently constructed its first municipal water system to serve the residents of the community.
3. The City is in the process of constructing its first municipal sewer system. Final plans for said sewer system are expected to be completed within thirty days of the adoption of this ordinance.
4. The City is in the process of developing its first comprehensive plan and zoning ordinance. Said plan and ordinance will address the orderly development of the community as it relates to the public health, safety and welfare of its residents and the layout and use of the new city water and sewer systems.

5. In order to preserve the public health, safety and welfare, community values, and private property rights, it is necessary to complete the City's comprehensive plan, and zoning ordinance prior to permitting additional new development within the community.
6. The Comprehensive Plan and Zoning Ordinance are expected to be completed before expiration of this moratorium.
7. To enable sufficient time to study, review and develop these important land use ordinances which are critical to the public health, safety and welfare, and 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.
8. An imminent peril to the public health, safety, and welfare requires adoption of this emergency moratorium for the foregoing reasons.

Section 3. Pending Applications

This moratorium shall not apply to Subdivision Plats completed and filed pursuant to current ordinances 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 or siting of buildings or structures 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 its passage 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.

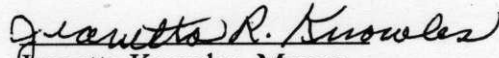
Section 7. Emergency.

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 passage and posting in at least five (5) public places in the City of Dietrich.

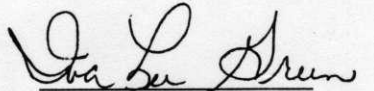
Section 8. Effective Date.

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 11 day of July 1997.


Jeanetta Knowles, Mayor

ATTEST:


Iva Lee Green, City Clerk