

**CITY OF IDAHO CITY, STATE OF IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 364**

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, DECLARING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND DEVELOPMENT APPLICATIONS THAT REQUIRE OR INVOLVE NEW CONNECTIONS TO THE CITY OF IDAHO CITY'S WATER SYSTEM FOR A PERIOD OF NOT MORE THAN ONE HUNDRED EIGHTY-TWO (182) DAYS DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND WELFARE; AND PROVIDING THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE.

WHEREAS, the City of Idaho City maintains and operates its own municipal water system and the provision of water services is a primary and essential service provided by the City to those customers within its service area now and in the future;

WHEREAS, the City was notified that its current and projected demand for water is beyond its current water right;

WHEREAS, the City's efforts to reduce water usage have not been sufficient to bring the City to within its water right;

WHEREAS, the City is undertaking discussions with the water district to secure additional water sourcing and rights; and

WHEREAS, the City Council finds that a foreseeable inability to provide water is an imminent peril to the public health, safety, and welfare of the citizens of Idaho City, such that an Emergency Moratorium should be placed on new connections to the water system.

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

1. The City Council finds that the inadequacy of its current water right to meet its demand with certainty through its municipal water system is an imminent peril to the public health, safety, and welfare of the citizens of the City of Idaho City.

2. A moratorium on new building and development is the only way to avoid exacerbating the City's demand for water and further jeopardizing the City's ability to fulfill its obligations for the provision of water services.

3. Therefore, a moratorium is imposed upon the receipt, processing, and approval of applications for building permit or development plans, including preliminary plats, final plats, or site plans, that require, contemplate, or involve a new connection to the city water system.

4. This moratorium shall not apply to any permit that has already been issued or application for a building permit that is already complete and pending. Further, this moratorium

shall not apply to an application for a permit that is related to a previously approved plan or plat for which there is documentation of serviceability by the City, provided that mere location within the city limits or service area is not documentation of serviceability. These limitations shall not prohibit the Idaho City City Council, Planning and Zoning Commission, or Planning and Zoning Administrator from exercising the control it is otherwise authorized to exercise over any such permit, project, or development application.

5. This moratorium shall be in place for a period of one hundred and eighty-two (182) days following adoption of this moratorium.

6. This moratorium shall be in full force and effect upon immediately upon the date of its passage.

7. This moratorium is hereby declared to be severable. The invalidity of a section shall not affect the validity of the remaining sections.

8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Idaho City, this moratorium shall control until its expiration or termination by the City Council.

PASSED BY THE COUNCIL of the City of Idaho City this 8th day of September, 2021.

APPROVED BY THE MAYOR of the City of Idaho City this 8th day of September, 2021.


Phillip Canody, Mayor

ATTEST:


City Clerk