

CITY OF BLOOMINGTON, STATE OF IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 2021- 01

AN ORDINANCE OF THE CITY OF BLOOMINGTON ADOPTING AND DECLARING A MORATORIUM UPON THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF BUILDING PROJECTS THAT REQUIRE OR INVOLVE NEW WATER HOOK-UPS ONTO THE CITY OF BLOOMINGTON'S WATER SYSTEM; DIRECTING EFFORTS TO CREATE A PLAN TO ADDRESS THE PROBLEM; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR SEVERABILITY; AND DECLARING THE SUBORDINATION OF ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH.

Whereas, the City of Bloomington is tasked with providing for the general welfare of the citizens of Bloomington; and

Whereas, one of the primary and essential services provided by the City of Bloomington is to provide water services through the City of Bloomington's municipal water system; and

Whereas, a critical and necessary component to provide said services is the need to create and maintain adequate water pressure, and a system that can handle the number of users; and

Whereas, too many users and hookups onto the system cause a dangerous reduction in water pressure that adversely impacts the city's ability to provide adequate water services; and

Whereas, the City has employed engineers to study the system and they have advised that the City has reached a critical point, which impairs the City's ability to provide water with adequate water pressure, and reports that additional users without some form of mitigation or upgrade to the system will adversely impact the water pressure; and

Whereas, engineers have studied the City fire hydrant system and determined that the system does not meet the code requirements, and as such, the decreased water pressure adversely and dangerously impacts the ability to provide emergency fire suppression services; and

Whereas, the inadequacy of the hydrants to have sufficient water pressure constitutes an imminent peril to the public health, safety, or welfare of the citizens of Bloomington; and

Whereas, Idaho Code section 67-6523 authorizes the City to adopt emergency moratoriums if the City Council finds that there is an imminent peril to the public health, safety and welfare; and

Whereas, the City Council may upon such finding proceed to adopt a moratorium responding thereto; and

Whereas, the adoption of a moratorium may be accomplished upon abbreviated notice of hearing as the City Council deems practical; and

Whereas, pursuant to the requirements of Idaho law notice of a hearing and an agenda regarding whether to adopt a moratorium was properly posted; and

Whereas upon conducting said hearing, the City Council has determined a moratorium is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, BEAR LAKE COUNTY, STATE OF IDAHO, AS FOLLOWS:

Section 1. Based on the above recitals and the facts and circumstances set forth therein, the City Council finds that there is an imminent peril to the public health, safety and welfare of the Citizens of the City of Bloomington.

Section 2. The foregoing recitals, being a true and accurate description of an imminent peril to the public health, safety, and welfare of the citizens of the City of Bloomington, a moratorium is hereby imposed upon the receipt, processing, and approval of applications for building permits that require, contemplate, or involve a new hook up to the city water system. This moratorium shall be in place for a period of one hundred and eighty-two (182) days following adoption of this moratorium.

Section 3. This moratorium shall not apply to any permit that has already been issued, nor shall it apply to any permit for which any related application has already been requested from, filed with, or issued by the City. This limitation shall not prohibit the Bloomington City Council from exercising the control it is otherwise authorized to exercise over any such permit or construction project.

Section 4. During the moratorium the City and its personnel shall begin to work on a permanent solution to the problems addressed by this moratorium and to provide a plan within the next one hundred and eighty-two (182) days to abate the problems identified herein.

Section 5. This moratorium shall be in full force and effect immediately upon the date of its passage.

Section 6. This moratorium is hereby declared to be severable. If a portion hereof is declared invalid by court of competent jurisdiction the remaining provisions shall continue in full force and effect and this ordinance shall be read to carry out the purposes of this moratorium before the declaration of partial invalidity.

Section 7. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Bloomington, this moratorium shall control until its expiration or termination by the City Council.

PASSED AND APPROVED by the Mayor and City Council of the City of Bloomington, Bear Lake County, State of Idaho, this 22 day of July, 2021.



Ted McGhee, Mayor

ATTEST:



Christine Cooper, City Clerk