

ORDINANCE NO. 5
Series 2006

**AN ORDINANCE OF THE TOWN OF LAKE CITY,
COLORADO, DECLARING A MORATORIUM UPON
REVIEW OF APPLICATIONS FOR BUILDING
CONSTRUCTION AND MODIFICATION PERMITS WITHIN
THE TOWN'S HISTORIC DISTRICT PENDING
REPLACEMENT OF THE TOWN'S BUILDING OFFICIAL.**

WHEREAS, the Town has adopted regulations applicable to its historical preservation district under Chapter 15, Section 5 of the Lake City Municipal Code; and

WHEREAS, the Town's building inspector is required by said regulations to conduct crucial roles of reviewing and determining the appropriateness of applications for building and altering all structures and other improvements in such district; and

WHEREAS, the previously appointed building inspector for the Town of Lake City and County of Hinsdale has given notice of his resignation; and

WHEREAS, Town and County officials are now seeking a qualified replacement building inspector; and

WHEREAS, the Town's Board of Trustees determines that it is necessary to impose a temporary moratorium on all applications for new building permits, and on approval of currently submitted applications, in order to protect the health, safety, welfare and economic well-being of the Town and its citizenry until a new Town building inspector has been appointed.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, AS FOLLOWS:

Section 1. A moratorium period is hereby declared from the effective date of this ordinance on November 15, 2006 through and including February 15, 2007, or until further action of the Board of Trustees ending or modifying this moratorium, whichever occurs first. Such further action may be taken by resolution of the Board of Trustees.

Section 2. No applications for any building permit of any kind or nature, including any for construction, alteration or demolition, of any building or structure within the Town of Lake City's historical preservation district pursuant to said Chapter 15, Section 5 of the Lake City Municipal Code shall be accepted for review by the Town, or otherwise acted upon, for the moratorium period defined herein.

Section 3. Nothing in this ordinance shall be construed as affecting any lawfully vested rights to complete construction where construction was commenced or authorized pursuant to a building permit duly issued or approved prior to the effective date of this ordinance.

Section 4. The Town of Lake City hereby finds, determines and declares that this ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained hereby.

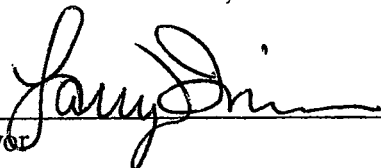
Section 5. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged invalid by a Court of competent jurisdiction, such judgment shall not affect application to other persons or circumstances.

Section 6. If any provision, requirements or standard established by this ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Lake City Municipal Code or other Town ordinances which are in existence as of the date of adoption of this ordinance, the provisions, requirements and standards of this ordinance shall supercede and prevail.

Section 7. The Board of Trustees of Lake City, Colorado finds, determines and declares that passage of this ordinance is necessary for the immediate preservation of the public peace, health and safety in that the continued processing of building permits within the historical preservation district, under current circumstances, will have substantial adverse effects, and therefore a special emergency exists.

INTRODUCED, READ, AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado on the 15th day of November, 2006.

TOWN OF LAKE CITY, COLORADO

By: 
Mayor

ATTEST:


Town Clerk