

CITY OF LEADVILLE, COLORADO
Ordinance No. 10
Series of 2022

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON APPROVAL
OF CERTIFICATE OF APPROPRIATENESS APPLICATIONS FOR DEMOLITIONS IN
THE NATIONAL HISTORIC LANDMARK DISTRICT**

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, the City’s historic downtown is one of the community’s greatest assets and, as the center of the City’s community and historic identity, it is important to preserve; and

WHEREAS, in 1961 Leadville’s National Historic Landmark Overlay District (“NHL District”) was listed on the National Register of Historic Places; and

WHEREAS, the City also recognizes the importance of establishing the appropriate balance between the goals and purposes of historic preservation and the rights of private property owners; and

WHEREAS, the City previously codified regulations for approval of applications for a certificate of appropriateness for demolitions of certain structures located the NHL District in chapter 17.44 of the Leadville Municipal Code; and

WHEREAS, the City Council, in conjunction with the Historic Preservation Commission, desires to review and revise its demolition application procedures for structures in the NHL District to ensure such procedures are fair, clear, consistent, permit timely processing of applications, encourage the voluntary preservation of historic structures, and that such procedures are in accordance with the goals and purposes of historic preservation for the City; and

WHEREAS, implementation of such regulations will take time to study, analyze, and establish, and the moratorium set forth in this Ordinance provides for the time needed to receive information, weigh all factors, and develop amendments to the Leadville Municipal Code; and

WHEREAS, the City Council finds that a temporary moratorium until and including **November 14, 2023** on the City’s acceptance and issuance of certificate of appropriateness applications for demolitions in the NHL District under Chapter 17.44 of the Leadville Municipal Code is necessary to provide the City a period of time to develop amended regulations and will best preserve the health, peace and safety of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Moratorium. No applications or requests for City approval of certificates of appropriateness for demolition under Chapter 17.44 of the Leadville Municipal Code, specifically sections 17.44.060 and 17.44.070, shall be accepted, reviewed, considered or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. The provisions of this Ordinance are temporary in nature and intended to be replaced or repealed by a subsequent legislative enactment. The temporary moratorium established by this Ordinance shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 P.M. on November 14, 2023**, unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal.

Section 3. Preservation of Status Quo and Violation. Any person or entity that has received a certificate of appropriateness for demolition from the City prior to the effective date of this Ordinance may continue to rely on such approvals throughout the duration of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions of the Leadville Municipal Code and enforcement action in Leadville Municipal Court.

Section 4. Emergencies and Unsafe Buildings. Nothing in this Ordinance shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any historic structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the City, or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure within the NHL District.

Section 5. Remaining provisions. Except as specified in this Ordinance, all other provisions of the Leadville Municipal Code shall continue in full force and effect. This Ordinance makes no amendments to the Leadville Municipal Code and temporarily suspends the provisions specified herein only.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Effective Date. This Ordinance shall be effective thirty (30) days following final publication.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 1st day of November, 2022 by a vote of 6 in favor, 0 against, and 1 absent.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Deputy City Clerk

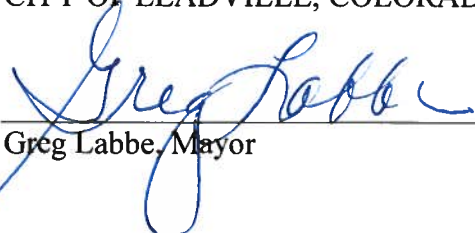
PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 10th day of November, 2022.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this 7th day of December, 2022 by a vote of 7 in favor, 0 against, and 0 absent.

CITY OF LEADVILLE, COLORADO:



ATTEST:



Greg Labbe, Mayor



Deputy City Clerk

PUBLISHED by title only, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 6th day of December, 2022.