

VILLAGE OF DALTON GARDENS

ORDINANCE NO. 6

AN ORDINANCE REGULATING TRAFFIC UPON THE HIGHWAY OF THE VILLAGE OF DALTON GARDENS, PROHIBITING THE DRIVING OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, PROHIBITING THE DRIVING IN NEGLIGENT DISREGARD OF RIGHTS OF OTHERS, REQUIRING DRIVERS OF VEHICLES INVOLVED IN ACCIDENTS TO STOP AND GIVE INFORMATION AND RENDER AID, TO GIVE NOTICE TO THE OWNER OF UNATTENDED VEHICLES STRUCK OR TO THE OWNERS OF FIXTURES OR ARTICLES STRUCK UPON THE HIGHWAY, REQUIRING OBEDIENCE TO TRAFFIC CONTROL DEVICES AUTHORIZING THE CHIEF OF POLICE TO ERECT SUCH DEVICES PROVIDING SPEED LIMITS UPON THE STREETS OF THE SAID VILLAGE, REQUIRING VEHICLES TO BE OPERATED ON THE RIGHT SIDE OF THE ROAD, REGULATING PASSING AND OVER TAKING, REGULATING THE RIGHT OF WAY AT INTERSECTIONS, REGULATING THE OVER TAKING AND PASSING OF SCHOOL BUSES, REGULATING PARKING AND AUTHORIZING THE CHIEF OF POLICE TO ERECT SIGNS THEREFORE AND PROHIBITING DISOBEDIENCE, AND TO REGULATE THE THROWING OF DEBRIS UPON THE HIGHWAY AND PRESCRIBING PENALTIES THEREFORE.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF DALTON GARDENS, IDAHO:

SECTION I: It shall be unlawful and punishable for any person who is under the influence of intoxicating liquor to drive or be in physical control of any vehicle on the streets or public ways of the Village of Dalton Gardens, Idaho. In any criminal prosecutions for a violation of this section as to the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine or breath or other bodily substances shall give rise to the

following presumptions:

1. If there was at that time 0.05 % or less by weight of alcohol in the defendant's blood it shall be presumed that the defendant was not under the influence of intoxicating liquor.

2. If it was at the time an analysis of 0.10% by weight of alcohol in the defendants blood, such facts shall not give rise to any presumption that the defendant was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If it was at the time 0.15% by weight of alcohol in the defendant's blood it would assumed that the defendant was under the influence of intoxicating liquor.

4. The foregoing shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

SECTION II: It shall be unlawful for any person to drive any vehicle upon a highway or public way within the Village of Dalton Gardens carelessly and heedlessly or without due caution and circumspect and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

SECTION III: No person shall drive a vehicle upon the highway or public way within the Village of Dalton Gardens at a speed greater than is reasonably prudent under the conditions and having regard to the actual hazards there existing. In any event speed shall be so controled as may be necessary to avoid colliding with any person, vehicle or conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

When no special hazard exists that requires lower speed for compliance with the foregoing paragraph, the speed of any vehicle within the limits of the specifications of this section as established shall be lawful but speed in excess of this section shall be prima facia evidence that the speed is not prudent and that it is unlawful.

1. 35 miles per hour within said Village.
2. At any speed in excess of the limits posted thereat by the Chief of Police or other authority.

The driver of every vehicle shall conform with the requirements of this section, drive at an appropriate speed when approaching or driving into a private drive, when approaching or going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or any cross-walk with respect to pedestrians or by reason of weather or highway conditions.

SECTION IV: Upon all roadways of sufficient width the vehicle shall be driven upon the right side of the road excepting:

1. When over taking or passing another vehicle proceeding in the same direction under the rules governing such movement.
2. When the right half of the roadway is closed to traffic while under repair or construction.

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic or as close to the right hand curb or edge of the road as is practicable^{able} except when over taking or passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SECTION V. Drivers proceeding in opposite directions shall pass each other to the right and upon roadways which have width for not more than one line of traffic in each direction each driver shall give to the other at least 1/2 of the main traveled portion of the roadway as nearly as possible.

SECTION VI: The following rules shall govern the overtaking and passing of vehicles proceeding the same direction:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on an audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION VII: The Chief of Police is authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may put appropriate signs or markers on the roadway indicating the beginning and end of such zones and when such signs or markers are in place and clearly visible to the ordinarily observant person every driver of a vehicle shall obey the directions thereof.

SECTION VIII: The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

When two vehicles enter an intersection from different highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle on the right.

SECTION IX: No person shall turn a vehicle at an intersection or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left on the highway unless or until such a movement can be made with reasonable safety. No person shall turn a vehicle without giving an appropriate signal in the event that any other traffic may be affected by such movement. A signal or intention to turn right or left shall be made continuously for not less than the last 100 feet traveled before turning. No person shall suddenly stop or decrease the speed of any vehicle without giving the traffic to the rear appropriate signal when there is opportunity to give such signal.

SECTION X: The Chief of Police may designate any roadway or the specific entrances thereto and may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

Except when directed to proceed by a police officer or traffic control signal every driver of a vehicle approaching an intersection shall stop before entering a cross-walk, or in the event there is no cross-walk, shall stop at a clearly marked stop line, but if there is no such line, shall stop at a point nearest the intersecting roadway where the driver has a view of the approaching traffic. The travel of a vehicle approaching a yield sign if required for safety to stop, shall stop, before entering the cross-walk on the near side of the intersection or in the event there is no cross-walk, at a clearly marked stop line, but if no stop line then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

SECTION XI: ACCIDENT INVOLVING DEATH OR PERSONAL INJURY:

That the driver of any vehicle involved in an accident in the Village of Dalton Gardens, Idaho, resulting in injury to or death of any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall then forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of Section XIII of this Ordinance. Every such stop shall be made without obstructing traffic more than is necessary.

SECTION XII: ACCIDENT INVOLVING DAMAGE TO VEHICLE: The driver of any vehicle involved in an accident in the Village of Dalton Gardens, Idaho, resulting only in damage to a vehicle which is driven or attended by any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of such accident, until he has fulfilled the requirements of Section XIII. Every such stop shall be made without obstructing traffic more than is necessary.

SECTION XIII: DUTY TO GIVE INFORMATION OR RENDER AID:

The driver of any vehicle involved in an accident within the Village of Dalton Gardens resulting in injury or death of any person or damage to any vehicle which is driven or attended by any person, shall give his name, address, and registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffer's license to the person struck or the driver or occupancy of or person attending any vehicle collided with, and shall render aid to any person injured in such accident reasonable assistance including

the care or making arrangements for the care of such person through a physician, surgeon, or hospital for medical or surgical treatment if such treatment is necessary, or if such caring is requested by the injured person.

SECTION XIV: DUTY UPON STRIKING UNATTENDED VEHICLE: The driver of any vehicle which collides with any vehicle that is unattended, shall immediately stop and shall then and there either locate or notify the owner or operator of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck, a notice giving the name and address of the operator or driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereto.

SECTION XV: DUTY UPON STRIKING FIXTURES UPON THE HIGHWAY: The driver or any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or charffer's license.

SECTION XVI: IMMEDIATE NOTICE OF ACCIDENT: The driver of a vehicle involved in an accident resulting in injury to or death or any person or total property damage to an apparent extent of \$50.00 or more, shall immediately, by the quickest means of communication, give notice of such accident to the police department of the Village of Dalton Gardens.

SECTION XVII: The Chief of Police is hereby authorized to prescribe the manner of parking upon the streets and public thoroughfares or the Village or whether parking permitted at certain places may be diagonal, parallel or prohibited, and to erect and maintain signs indicating the same.

It shall be unlawful for any person to park a vehicle upon any street or public thoroughfare of the Village except in the manner designated by signs placed thereat.

SECTION XVIII: The driver or a vehicle upon the highway or public thoroughfare of the Village, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by the driver to proceed.

SECTION XIX: It shall be unlawful for any person to willfully or negligently throw from any vehicle or place or deposit upon or along the side of any highway, street or alley used by the public for public travel any debris, glass, nails, tacks, hoops, cans, barbwire, bottles, trash or garbage, lighted material, or any other waste substance.

SECTION XX: Penalties for violation: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine in any sum not exceeding \$300.00 or imprisonment in the County Jail of Kootenai County, Idaho, for a period not to exceed thirty (30) days, or both.

SECTION XXI: All other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION XXII: This Ordinance shall take effect and be in full force and effect upon its passage, approval, and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in said Village, published at Coeur d'Alene, Kootenai County, Idaho, and being the official newspaper of said Village.

Passed under suspension of the rules upon which a roll call vote was duly taken and enacted an Ordinance of the Village of Dalton Gardens, Idaho, at a regular meeting of the Board of Trustees held on September 12, 1961, at 8:00 P.M.

Approved by the Chairman and Board of Trustees of the Village of Dalton Gardens, Idaho, this 12th day of September, 1961.

Ward B. Newcomb
Chairman, Board of Trustees
Village of Dalton Gardens

ATTEST:

Marion Bray
Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Ann M. Neuman

..... being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party to the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Ordinance No 6*
College of Doctor Anderson

of which the annexed is a printed copy, was published in the regular *daily* issue of said newspaper for *one* consecutive *Sept 25* commencing on the *25th* day of *Sept*, 19*61*, and ending on the *25th* day of *Sept*, 19*61*, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Ordinance No 6
Ann M. Neuman

Subscribed and sworn to before me this *27th* day of *Sept*

1961
Dwight B. Hagadorn

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

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1. If there was at that time 0.05% or less by weight of alcohol in the defendant's blood it shall be presumed that the defendant was not under the influence of intoxicating liquor.
2. If it was at the time an analysis of 0.10% by weight of alcohol in the defendant's blood such facts shall not give rise to any presumption that the defendant was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
3. If it was at the time 0.15% by weight of alcohol in the defendant's blood it would be assumed that the defendant was under the influence of intoxicating liquor.

SECTION II: It shall be unlawful for any person to drive any vehicle upon a highway or public way within the Village of Dalton Gardens carelessly and heedlessly or without due caution and circumspect and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

SECTION III: No person shall drive a vehicle upon the highway or public way within the Village of Dalton Gardens at a speed greater than is reasonably prudent under the conditions and having regard to the actual hazards there existing. In any event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

When no special hazard exists that requires lower speed for compliance with

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the foregoing paragraph, the speed of any vehicle within the limits of the specifications of this section as established shall be lawful but speed in excess of this section shall be prima facie evidence that the speed is not prudent and that it is unlawful.

1. 35 miles per hour within said Village.
2. At any speed in excess of the limits posted thereat by the Chief of Police or other authority.

The driver of every vehicle shall conform with the requirements of this section, drive at an appropriate speed when approaching or driving into a private drive, when approaching or going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or any cross-walk with respect to pedestrians or by reason of weather or highway conditions.

SECTION IV: Upon all roadways of sufficient width the vehicle shall be driven upon the right side of the road excepting:

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SECTION V: Drivers proceeding in opposite directions shall pass each other to the right and upon roadways which have width for not more than one line of traffic in each direction each driver shall give to the other at least 1/2 of the main traveled portion of the roadway as nearly as possible.

SECTION VI: The following rules shall govern the over taking and passing of vehicles proceeding the same direction:

1. The driver of a vehicle over taking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the over taken vehicle.
2. Except when over taking and passing on the right is permitted, the driver of the over taken vehicle shall give way to the right in favor of the over taking vehicle on an audible signal and shall not increase the speed of his vehicle until completely passed by the over taking vehicle.

SECTION VII: The Chief of Police is authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may put appropriate signs or markers on the roadway, indicating the beginning and end of such zones and when such signs or markers are in place and clearly visible to the ordinarily observant person every driver of a vehicle shall obey the directions thereof.

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When two vehicles enter an intersection from different highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle on the right.

SECTION IX: No person shall turn a vehicle at an intersection or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left on the highway unless or until such a movement can be made with reasonable safety. No person shall turn a vehicle without giving an appropriate signal in the event that any other traffic may be affected by such movement. A signal or intention to turn right or left shall be made continuously for not less than the last 100 feet traveled before turning. No person shall suddenly stop or decrease the speed of any vehicle without giving the traffic to the rear appropriate signal when there is opportunity to give such signal.

SECTION X: The Chief of Police may designate any roadway or the specific entrances thereto and may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

Except when directed to proceed by a police officer or traffic control signal every driver of a vehicle approaching an intersection shall stop before entering a cross-walk, or in the event there is no cross-walk, shall stop at a clearly marked stop line, but if there is no such line, shall stop at a point nearest the intersecting roadway where the driver has a view of the approaching traffic. The travel of a vehicle approaching a yield sign if required for safety to stop, shall stop, before entering the cross-walk on the near side of the intersection or in the event there is no cross-walk, at a clearly marked stop line, but if no stop line then at a point nearest the intersecting roadway where the driver has a view of the approaching traffic.

SECTION XI: ACCIDENT INVOLVING DEATH OR PERSONAL INJURY: That the driver of any vehicle involved in an accident in the Village of Dalton Gardens, Idaho, resulting in injury to or death of any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall then forthwith return to, and in every event shall remain at, the scene of the accident, until

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he has fulfilled the requirements of Section XIII of this Ordinance. Every such stop shall be made without obstructing traffic more than is necessary.

SECTION XII: ACCIDENT INVOLVING DAMAGE TO VEHICLE: The driver of any vehicle involved in an accident in the Village of Dalton Gardens, Idaho, resulting only in damage to a vehicle which is driven or attended by any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of such accident, until he has fulfilled the requirements of Section XIII. Every such stop shall be made without obstructing traffic more than is necessary.

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SECTION XIV: DUTY UPON STRIKING UNATTENDED VEHICLE: The driver of any vehicle which collides with any vehicle that is unattended shall immediately stop and shall then and there either locate or notify the owner or operator of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck, a notice giving the name and address of the operator or driver and of the owner of the vehicle, doing the striking and a statement of the circumstances thereto.

SECTION XV: DUTY UPON STRIKING FIXTURES UPON THE HIGHWAY: The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name, and address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or chauffeur's license.

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SECTION XX: Penalties for violation: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine in any sum not exceeding \$300.00 or imprisonment in the County Jail of Kootenai County, Idaho, for a period not to exceed thirty (30) days, or both.

SECTION XXI: All other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION XXII: This Ordinance shall take effect and be in full force and effect upon its passage, approval, and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in said Village, published at Coeur d'Alene, Kootenai County, Idaho, and being the official newspaper of said Village.

Passed under suspension of the rules upon which a roll call vote was duly taken and enacted an Ordinance of the Village of Dalton Gardens, Idaho at a regular meeting of the Board of Trustees held on September 12, 1961, at 8:00 P. M.

Approved by the Chairman and Board of Trustees of the Village of Dalton Gardens, Idaho, this 12th day of September, 1961.

Ward B. Newcomb,
Chairman, Board of Trustees
Village of Dalton Gardens

ATTEST
Marion C. Bray,
Clerk.