

ORDINANCE NO. 15

AN ORDINANCE REGULATING THE MAINTENANCE AND CONSTRUCTION OF BUILDINGS, STRUCTURES, PERSONAL PROPERTY, TREES, SHRUBS, AND GROWING PLANTS, WHICH OBSTRUCT THE VISION AT INTERSECTIONS WITHIN THE VILLAGE, PRESCRIBING THE MAXIMUM HEIGHT OF ANY SUCH OBSTRUCTIONS, REQUIRING THE TRIMMING OF TREES, PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS FROM THE INTERSECTIONS, AND PROVIDING THAT THE VILLAGE SHALL HAVE THE RIGHT TO REMOVE AND TRIM SUCH OBSTRUCTIONS ASSESSING THE COST THEREOF AGAINST THE PROPERTY OWNER:

BE IT ORDAINED by the Chairman and the Board of Trustees of the Village of Dalton Gardens:

SECTION I: It shall be unlawful for the owner or occupant of any property within the Village of Dalton Gardens, Idaho, to maintain, construct or permit any buildings, structures, article or articles of personal property, trees, shrubs and growing plants, which in any manner obstruct or interfere with the vision of a roadway at an intersection, or to maintain, construct or permit any such obstruction of view in either the front yard or the side yard of any property adjacent to a public street of a height in excess of 36 inches from the level of the street and within 25 feet in any direction from the property lines of said property.

SECTION II: All trees located within 25 feet of the property lines of any property at an intersection of one or more public streets within said Village shall have all foliage, including leaves and branches, trimmed up to a

point eight (8) feet above the level of the street under or near said trees.

SECTION III: Upon failure or refusal of any person maintaining, constructing or permitting any building, structure, article or articles of personal property, trees, shrubs or growing plants in violation of the provisions of this Ordinance, to cut or remove the same on ten (10) days notice in writing so to do, the Board of Trustees of said Village shall have the right to remove or trim any said obstruction or any part thereof and shall assess all of the costs, charges and expenses incurred and incidental thereto to the owner of said property in the same manner as any other special assessment, and the same shall be collected as any other special assessment.

SECTION IV: Any violation of the provisions of this Ordinance shall be punishable by fine not to exceed \$300.00, or imprisonment not exceeding six months, or both such fine and imprisonment, providing that any day violation is permitted to exist shall constitute a second violation.

SECTION V: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI: This Ordinance shall take effect and be in full force and effect upon its passage and publication in one issue of the Coeur d'Alene Press, being the official newspaper of said Village.

Placed and passed upon its first reading upon which a roll call vote was taken on September 21, 1965, at a regular meeting of the Board of Trustees of the Village of Dalton Gardens; placed and passed upon its second reading

upon which a roll call vote was taken at a regular meeting of the Board of Trustees of the Village of Dalton Gardens on October 12, 1965; and placed and passed upon its third reading upon which a roll call vote was taken at a regular meeting of the Board of Trustees of the Village of Dalton Gardens held on November 9, 1965, and duly enacted an Ordinance of the Village of Dalton Gardens on November 9, 1965.

Ward B. Newcomb
Chairman, Board of Trustees

ATTEST:

Marion Bray
Clerk

AFFIDAVIT OF PUBLICATION

1716

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 15*

of which the annexed is a printed copy, was published in the regular *daily* issue of said newspaper for *one issue* consecutive *Nov 24* commencing on the *24th* day of *Nov*, 19*65*, and ending on the *24th* day of *Nov*, 19*65*, 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 *Nov 24 - 1965*

Ann M. Neuman

Subscribed and sworn to before me this *4th* day of *Jan* 19*66*

Patrick King

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

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SECTION VI: This Ordinance shall take effect and be in full force and effect upon its passage and publication in one issue of the Coeur d'Alene Press, being the official newspaper of said Village.

Placed and passed upon its first reading upon which a roll call vote was taken on September 21, 1965, at a regular meeting of the Board of Trustees of the Village of Dalton Gardens, placed and passed upon its second reading upon which a roll call vote was taken at a regular meeting of the Board of Trustees of the Village of Dalton Gardens on October 12, 1965; and placed and passed upon its third reading upon which a roll call vote was taken at a regular meeting of the Board of Trustees of the Village of Dalton Gardens held on November 9, 1965, and duly enacted an Ordinance of the Village of Dalton Gardens on November 9, 1965.

Ward B. Newcomb
Chairman, Board of
Trustees

ATTEST:
Marion C. Bray
Clerk
Nov. 24, 1965.