

ORDINANCE NO. 19

AN ORDINANCE REGULATING THE FILLING OF DITCHES OR BUILDING OR CONSTRUCTING ACCESS FROM THE PUBLIC STREETS OR ALLEYS TO PRIVATE PROPERTY WITHIN THE VILLAGE OF DALTON GARDENS, IDAHO, MAKING IT UNLAWFUL TO FILL DITCHES OR BUILD OR CONSTRUCT ANY BRIDGES, FILL OR OTHER STRUCTURE AS A MEANS OF ACCESS FROM THE PUBLIC STREETS AND ALLEYS TO PRIVATE PROPERTY WITHOUT FIRST OBTAINING A PERMIT THEREFOR, PRESCRIBING THE MANNER OF MAKING APPLICATION FOR PERMIT, AND FOR THE ISSUANCE THEREOF, PERMITTING THE BOARD OF TRUSTEES TO GRANT PERMITS ON CERTAIN CONDITIONS, MAKING IT UNLAWFUL TO CONSTRUCT SUCH FILL OR ACCESS IN ANY MANNER NOT PRESCRIBED IN SAID PERMIT, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE:

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

SECTION I: It shall be unlawful for any person to fill any ditch or build or construct any bridge, fill or other structure as a means of vehicular, pedestrian or animal traffic to be used as a means of access from the public streets and alleys of the Village of Dalton Gardens to private property without having first obtained a permit therefor from the Village of Dalton Gardens.

SECTION II: Every person desiring a permit to fill any ditch or borrow pit or build or construct any bridge, fill or other structure as a means of access from the public streets and alleys to private property shall file with the Clerk of the Village an application in writing,

designating the materials to be used, what provisions are to be made for drainage, the location and width of said fill or structure.

SECTION III: Upon the filing and consideration by the Board of Trustees of the said application, the same may be granted, denied or modified by the Board as to location, width and materials to be used, and the Board of Trustees, if the permit be granted in whole or as modified, shall issue a written permit for the filling of such ditch or construction of any access.

SECTION IV: It shall be unlawful for any person upon receiving such a permit to construct such fill or access in any manner other than the manner prescribed in the permit issued therefor.

SECTION V: 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 a violation is permitted to exist shall constitute a second violation.

SECTION VI: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: 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.

Passed under suspension of the rules upon which a roll call vote was taken on June 14, 1966, at a regular meeting of the Board of Trustees of the Village of Dalton

Gardens, and duly enacted an Ordinance of the Village of Dalton Gardens on June 14, 1966.

Ward B. Newcomb.  
Chairman, Board of Trustees

ATTEST:

Robert C. Orsley  
Clerk

AFFIDAVIT OF PUBLICATION

15-34

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. 19  
Tillage of Dalton Gardens

of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for one day consecutive commencing on the 22nd day of June, 1966, and ending on the 22nd day of June, 1966, 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

*Ann M Neuman*

Subscribed and sworn to before me this 22nd day of June, 1966

*C. Patrick King*  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

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SECTION III: Upon the filing and consideration by the Board of Trustees of the said application, the same may be granted, denied or modified by the Board as to location, width and materials to be used, and the Board of Trustees, if the permit be granted in whole or as modified, shall issue a written permit for the filling of such ditch or construction of any access.

SECTION IV: It shall be unlawful for any person upon receiving such a permit to construct such fill or access in any manner other than the manner prescribed in the permit issued therefor.

SECTION V: 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 a violation is permitted to exist shall constitute a second violation.

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Passed under suspension of the rules upon which a roll call vote was taken on June 14, 1966, at a regular meeting of the Board of Trustees of the Village of Dalton Gardens, and duly enacted an Ordinance of the Village of Dalton Gardens on June 14, 1966.

Ward B. Newcomb  
Chairman, Board of Trustees

ATTEST:  
Robert C. Risley, Clerk  
June 22, 1966.