

CITY OF DALTON GARDENS

ORDINANCE NO. 72

AN ORDINANCE REQUIRING THE LICENSING OF ALL BUSINESSES OR PERSONS OR CORPORATIONS ENGAGED IN BUSINESS WITHIN THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO; DESCRIBING THE INFORMATION REQUIRED FOR APPLICATION, THE BUSINESSES REQUIRED TO BE LICENSED, THE FORM OF LICENSE; PROVIDING THE MANNER OF INVESTIGATING THE PREMISES SOUGHT TO BE LICENSED; THE TERM OF LICENSE; PROHIBITING THE LICENSING OF BUSINESSES THAT DO NOT FULFILL THE REQUIREMENTS OF THE BUILDING CODE OR ANY BUSINESS OR PERFORMANCE OF ANY ACT WHICH WOULD BE A VIOLATION OF THE ZONING ORDINANCE OF THE MUNICIPALITY; PRESCRIBING REQUIREMENTS FOR CHANGE OF LOCATION; PROHIBITING NUISANCES; PRESCRIBING A LICENSE FEE; PROVIDING FOR INSPECTIONS; THE TERMS THEREOF; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND THE EFFECTIVE DATE THEREOF:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS:

SECTION 1: APPLICATIONS: Applications for all licenses and permits required by this Ordinance shall be made in writing to the City Clerk, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official.

SECTION 2: PERSON SUBJECT TO LICENSE: Whenever in this Ordinance a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the Municipality.

SECTION 3: FORMS: Forms for all licenses and permits and applications therefor, shall be prepared and kept in file by the City Clerk.

SECTION 4: SIGNATURES: Each license or permit issued shall bear the signatures of the Mayor and the City Clerk in the absence of any provision to the contrary.

SECTION 5: FEES: License fees shall be the sum of \$25.00 per license issued.

SECTION 6: INVESTIGATIONS: Upon the receipt of an application for a license or permit where laws of the Municipality necessitate an inspection or investigation before the issuance of such permit or license, the Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof.

SECTION 7: TERMINATION OF LICENSE: All annual licenses shall terminate on the last day of December, where no provision to the contrary is made.

The City Clerk shall mail to all licensees of the Municipality a statement of the time of expiration of the license held by the licensee, if an annual license, three (3) weeks prior to the date of such expiration. Provided, that failure to send out such notice, or failure of the licensee to receive it, shall not excuse the licensee from failure to obtain a new license, or the renewal thereof, nor shall it be a defense in an action for operation without a license.

SECTION 8: BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the Municipality. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Act of the Municipality.

SECTION 9: CHANGE OF LOCATIONS: In the absence of any provision to the contrary, the location of any licensed business or occupation, or of any permitted act, may be changed provided ten (10) days notice thereof is given to the City Clerk; provided, the building and zoning requirements of this Ordinance are complied with.

SECTION 10: NUISANCES: No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

SECTION 11: INSPECTIONS: Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by Code, or are reasonably necessary to secure compliance with any Code provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Municipality who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Code provision or to detect violations thereof, it shall be the duty of the licensee of the Municipality whose business is governed by such provision to give to any authorized officer or employee of the Municipality requesting the same sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of any licensed business in the Municipality who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Municipality, stating that such inspection

or sample is desired at the time it is sought to make the inspection or obtain the sample.

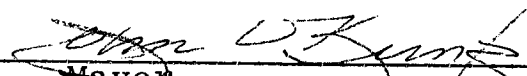
SECTION 12: PENALTY: It shall be unlawful and punishable by a fine not to exceed THREE HUNDRED DOLLARS (\$300.00) or imprisonment in the county jail not to exceed SIX(6) MONTHS, or both such fine and imprisonment, for any person subject to license hereunder to fail to obtain such license prior to January 1, 1979, and on or before the first day of each and every calendar year thereafter.

SECTION 13: SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 14: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

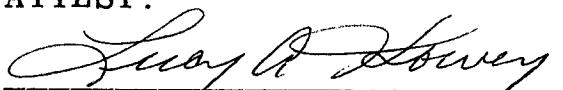
SECTION 15: This ordinance shall take effect and be in full force and effect upon its passage and approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in the City of Dalton Gardens.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on the ^{5th} day of ~~September~~^{October}, 1978.



Mayor
President of the Council

ATTEST:



City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Carroll Hedges 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 of 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 *Notice*

of which the annexed is a printed copy, was published in the regular *third* issue of said newspaper for *1* consecutive *day*, commencing on the *12* day of *Oct*, 19 *78*, and ending on the *12* day of *Oct*, 19 *78*, and such publication was made as often during said period as said *daily* 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.

Carroll Hedges
Subscribed and sworn to before me this *12* day of *OCT*, 19 *78*.

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

CITY OF DALTON GARDENS
ORDINANCE NO. 72

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SECTION 1: APPLICATIONS: Applications for all licenses and permits required by this Ordinance shall be made in writing to the City Clerk, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall

contain such additional information as may be required by the issuing official.

SECTION 2: PERSON SUBJECT TO LICENSE: Whenever in this Ordinance a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the Municipality.

SECTION 3: FORMS: Forms for all licenses and permits and applications therefor, shall be prepared and kept in file by the City Clerk.

SECTION 4: SIGNATURES: Each license or permit issued shall bear the signatures of the Mayor and the City Clerk in the absence of any provision to the contrary.

SECTION 5: FEES: License fees shall be the sum of \$25.00 per license issued.

SECTION 6: INVESTIGATIONS: Upon the receipt of an application for a license or permit where laws of the Municipality necessitate an inspection or investigation before the issuance of such permit or license, the Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof.

SECTION 7: TERMINATION OF LICENSE: All annual licenses

shall terminate on the last day of December, where no provision to the contrary is made.

The City Clerk shall mail to all licensees of the Municipality a statement of the time of expiration of the license held by the licensee, if an annual license, three (3) weeks prior to the date of such expiration. Provided, that failure to send out such notice, or failure of the licensee to receive it, shall not excuse the licensee from failure to obtain a new license, or the renewal thereof, nor shall it be a defense in an action for operation without a license.

SECTION 8: BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the Municipality. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Act of the Municipality.

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secure compliance with any Code provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Municipality who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Code provision or to detect violations thereof, it shall be the duty of the licensee of the Municipality whose business is governed by such provision to give to any authorized officer or employee of the Municipality requesting the same sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of any licensed business in the Municipality who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Municipality, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

SECTION 12: PENALTY: It shall be unlawful and punishable by a fine not to exceed THREE HUNDRED DOLLARS (\$300.00)

or imprisonment in the county jail not to exceed SIX (6) MONTHS, or both such fine and imprisonment, for any person subject to license hereunder to fail to obtain such license prior to January 1, 1979, and on or before the first day of each and every calendar year thereafter.

SECTION 13: SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 14: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 15: This ordinance shall take effect and be in full force and effect upon its passage and approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in the City of Dalton Gardens.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on the 5th day of October, 1978.

John D. Kunz

President of the Council

ATTEST:
Lucy Howey
City Clerk
Legal 115
Oct. 12, 1978

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

..... *Carole Hedge* 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 of 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 # 72*

.....
.....
of which the annexed is a printed copy, was published in the regular *Wed*
issue of said newspaper for *1* consecutive *day*
commencing on the *9* day of *March*, 19*77*, and
ending on the *9* day of *March*, 19*77*, and such
publication was made as often during said period as said *daily*
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.....

..... *Carole Hedge*

Subscribed and sworn to before me this *16* day of *March*
....., 19 *77*

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

LEADER *28,56*

CITY OF DALTON GARDENS

ORDINANCE NO. 72

AN ORDINANCE ENTITLED ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY, 1977 UNTIL SEPTEMBER 30, 1977, APPROPRIATING \$140,018.47 TO PAY THE EXPENSES AND LIABILITIES OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, FOR SAID PERIOD, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

SECTION 1: That the sum of \$140,018.47 be appropriated to defray the necessary expenses and liabilities for the City of Dalton Gardens for the fiscal year commencing on the First day of January, 1977, and ending on the Thirtieth day of September, 1977.

SECTION 2: That the objects and purposes for which said appropriation is made and the amount of each object and purpose is as follows, to-wit:

Legislative	\$1,218.00
Executive (including \$600 Anti-Recession Funds)	2,452.00
Financial & Administrative	7,980.00
Legal	2,900.00
Audit & CPA Consultation	700.00
Advertising & Legal Publications	1,500.00
Insurance, Bonds, Workmen's Comp	4,000.00
Dues, Subscriptions, Memberships	450.00
Planning & Zoning	1,000.00
Government Buildings	2,020.00
Capital Outlay:	
Land Acquisition	7,000.00
Building Additions (Including \$4,639.14 Revenue Sharing Funds)	10,000.00
Building Furniture & Equip	400.00
Law Enforcement (including \$12,300 Revenue Sharing Funds)	12,300.00
Building Inspections	2,425.00
Park & Recreation (including \$834 Anti Recession Funds)	20,920.00
Road & Street Fund	52,314.53
Accumulated Fund Balance	10,438.94
TOTAL	\$140,018.47

SECTION 3: That anticipated tax receipts for said fiscal year from January 1, 1977 to September 30, 1977 are \$15,733.00; that the unexpended general fund and street fund balances are \$41,046.80 and \$30,014.53 respectively; and unexpended and anticipated Revenue Sharing Funds are \$16,939.14, and anticipated Antirecession Fiscal Assistance \$1,434.00, and anticipated other receipts \$34,851.00.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That 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, a newspaper of general circulation published in Kootenai County, Idaho.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the City Council held on March 3, 1977.

James Howard
Mayor

ATTEST:
Lucy Howey
Clerk
Legal 911
March 9, 1977