

CITY OF DALTON GARDENS

ORDINANCE NO. 81

AN ORDINANCE REQUIRING THE LICENSING OF ALL BUSINESSES OR PERSONS ENGAGED IN BUSINESS AND A PERMIT TO ENGAGE IN HOME OCCUPATIONS WITHIN THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO; REQUIRING THAT ALL BUSINESSES AND HOME OCCUPATIONS BE LICENSED OR THAT A PERMIT BE ISSUED THEREFOR; PRESCRIBING THE INFORMATION REQUIRED FOR LICENSING, THE FORM OF LICENSE OR PERMIT; PROVIDING THE MANNER OF INVESTIGATING THE PREMISES FOR WHICH A LICENSE OR PERMIT IS REQUIRED; THE TERM OF LICENSES OR PERMITS; PROHIBITING THE LICENSING OR PERMITTING OF BUSINESSES OR OCCUPATIONS THAT DO NOT FULFILL THE REQUIREMENTS OF THE BUILDING CODE, OR ANY BUSINESS OR HOME OCCUPATION OR THE PERFORMANCE OF ANY ACT WHICH WOULD BE A VIOLATION OF THE ZONING ORDINANCE OF THE MUNICIPALITY; PRESCRIBING THE REQUIREMENTS FOR CHANGE OF LOCATION; PROHIBITING NUISANCES; PRESCRIBING A LICENSE AND/OR PERMIT FEE; PROVIDING FOR INSPECTIONS; 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. DEFINITIONS:

(a) Business. Every employment or occupation which occupies the time, attention and labor of persons for purposes of livelihood or for profit.

(b) Home Occupation. A limited type of business or occupation or professional activity carried on within a

dwelling by the inhabitants thereof permitted by the zoning ordinance of the City of Dalton Gardens and which meets the criteria set forth therein.

(c) Person. The word "person" as used herein includes bodies politic and corporate, partnerships, associations and corporations.

SECTION 2. PERSON SUBJECT TO LICENSE OR PERMIT: No person shall be engaged in, maintain or conduct any business, including a home occupation, by himself or through an agent, employee or partner to hold himself forth as being engaged in business or occupation, or to solicit patronage therefor, actively or passively, within the City of Dalton Gardens, without obtaining a permit therefor.

SECTION 3. 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 4. FORMS: Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the City Clerk.

SECTION 5. 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 6. FEEES: License fees shall be the sum of \$25.00 per business license, and \$15.00 for home occupation license.

SECTION 7. 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 8. TERMINATION OF LICENSE: All annual licenses or permits shall terminate on the last day of December where no provision to the contrary is made.

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

SECTION 9. 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 ordinance of the Municipality.

SECTION 10. 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 11. NUISANCES: No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

SECTION 12. INSPECTIONS: Whenever inspections of the premises used for or in connection with the operation of a business or occupation for which a license or permit has been issued are required or provided for 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, permittee, or 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 or permittee of the Municipality whose business or occupation 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 or permit of any licensed proprietor of any licensed business or occupation 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 or permit shall be revoked for such cause unless written demand is made upon the licensee or permittee 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 13. 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 or permit hereunder to fail to obtain such license or permit within thirty (30) days from the effective date hereof, and on or before the first day of January of each year thereafter.

SECTION 14. 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 State or Federal 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 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16. 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 within 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 2nd day of ~~March~~ ^{October}, 1979.

Ward B. Newcomb
Mayor

ATTEST:

Lucy A. Lowery
City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Jinda Crawworthy 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 # 81

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 8th day of Oct, 1980, and ending on the 8th day of Oct, 1980 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.

Jinda Crawworthy

Subscribed and sworn to before me this 8th day of Oct, 1980.

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