

CITY OF DALTON GARDENS

ORDINANCE NO. 137

AN ORDINANCE REGULATING BUSINESS LICENSES FOR BUSINESSES UTILIZING TEMPORARY OR PORTABLE STRUCTURES FOR THE SALE OF PREPARED FOOD AND DRINK PRODUCTS:

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

SECTION 1: Statement of Purpose: The City Council of Dalton Gardens has determined that certain temporary or portable structures not connected to septic tanks and used by businesses selling prepared food or drink products in the commercially zoned area of the City may create traffic and fire hazards and potential health and sanitation concerns as well as enforcement problems.

SECTION 2: No business license or permit under Title 3, Chapter 1, of the City Code of the City of Dalton Gardens, Idaho, shall be issued to any business being operated out of a trailer.

SECTION 3: "Trailer" shall mean a vehicle with wheels and without means of self propulsion licensable as a conveyance on a public street.

SECTION 4: All temporary or portable structures not meeting the requirements of the Uniform Building Code and used for the purpose of retail sales of food and drink products shall be placed on foundation supports as approved by the City Building Inspector.

SECTION 5: No person or entity permitted or licensed to operate a business of retail sales of prepared food or drink products from a temporary or portable structure shall allow or place outdoor seating for the consumption of products sold from the business.

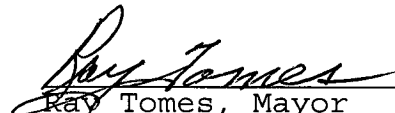
SECTION 6: All portable and temporary structures used for retail sales of prepared food and drink products shall be located upon a site in the City's commercial zone in a manner creating no danger to entering and exiting traffic and pedestrians.

SECTION 7: All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall take effect and be in full force and effect upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation in said City, published and printed in Coeur d'Alene, Idaho, being the official newspaper of said City.

Passed under suspension of the rules upon which a roll call vote was taken and enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on ~~April 4,~~ 1996.

MAY 2,


Ray Tomes, Mayor

ATTEST:


Gayle Clayeux, Clerk

AFFIDAVIT OF PUBLICATION

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

Michelle Price

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 Legal Notice

of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for 1 consecutive day commencing on the 15th day of May, 1996, and ending on the 15th day of May, 1996, 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.

Michelle Price

Subscribed and sworn to before me this 15th day of May, 1996

Roberta Manley

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

ROBERTA MANLEY
My commission expires 2-5-99

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SECTION 1: Statement of Purpose: The City Council of Dalton Gardens has determined that certain temporary or portable structures not connected to septic tanks and used by businesses selling prepared food or drink products in the commercial-zoned areas of the City may create traffic and fire hazards and potential health and sanitation concerns as well as enforcement problems.

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SECTION 3: "Trailer" shall mean a vehicle with wheels and without means of self propulsion licensable as a conveyance on a public street.

SECTION 4: All temporary or portable structures not meeting the requirements of the Uniform Building Code and used for the purpose of retail sales of food and drink products shall be placed on foundation supports as approved by the City Building Inspector.

SECTION 5: No person or entity permitted or licensed to operate a business of retail sales of prepared food or drink products from a temporary or portable structure shall allow or place outdoor seating for the consumption of products sold from the business.

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Passed under suspension of the rules upon which a roll call vote was taken and enacted and ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on May 2, 1996.

Ray Tomes, Mayor

ATTEST:
Gayle Clayeux, Clerk
Legal 651
May 15, 1996