

CITY OF DALTON GARDENS  
ORDINANCE NO. 138

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, REGULATING THE LOCATION, SIZE HEIGHT, ILLUMINATION, PROJECTION, ERECTION, MAINTENANCE AND QUALITY OF MATERIALS OF ALL SIGNS AND OFF-PREMISES ADVERTISING STRUCTURES WITHIN THE LIMITS OF THE CITY OF DALTON GARDENS, STATE OF IDAHO, PROVIDING FOR THE REMOVAL OF CERTAIN SIGNS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1 - PURPOSE AND SCOPE

The purpose of this ordinance is to promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and bill-boards in the City of Dalton Gardens. It is the further purpose of this ordinance to control the quality and quantity of signs so as to provide identification of local business while giving consideration to the aesthetics of the community.

SECTION 2 - DEFINITIONS

- ( 1) Advertising Sign (Off-Premises) is a sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

- ( 2) Animated sign is any sign which includes action or motion. For purpose of this ordinance, this does not include fishing, changing, or revolving, all of which are separately defined.
- ( 3) Architectural Blade is a roof sign or projecting sign with no leg or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from standing on the building
- ( 4) Bulletin Board is a sign for public and semi-public buildings, and religious institutions not to exceed twenty four (24) square feet.
- ( 5) Business Sign (On-Premises) is a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or to a commodity, service or entertainment sold or offered, upon premises where such sign located or to which it is affixed.
- ( 6) Canopy is a permanent roofed structure which may be freestanding or partially attached to building for the purpose of providing shelter to patrons or automobiles, but shall not mean a completely enclosed structure.
- ( 7) Changeable Copy Panel is a panel which is characterized by changeable copy, regardless of method of attachment.

- ( 8) Changing sign is a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard, where different copy changes are shown on the same lamp bank.
- ( 9) Copy Area of Sign is that actual area of the sign copy applied to any background. Compute copy area by straight lines drawn closest to copy extremities encompassing individual letters or words.
- (10) Directly Illuminated Sign is any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.
- (11) Electric Sign is any sign containing electric wiring. This does not include signs illuminated by an exterior light source.
- (12) Flashing Sign is any directly or indirectly illuminated sign on which the artificial light is not constant in intensity or color at all times when such sign is in use. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "changing signs" not "flashing signs".
- (13) Free Standing Sign is a sign which is supported by one or more columns, uprights or braces in the ground.

- (14) Freeway is a traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manners as may be determined by the public authority having jurisdiction over such traffic way.
- (15) Ground Sign is the same as a temporary sign supported by uprights or braces placed upon the ground and not attached to any part of any building.
- (16) Height of Sign is the vertical distance measured from the adjacent street centerline grade. No permanent sign may be constructed in a clear zone of the three (3) feet to eight (8) feet and with a maximum height of thirty (30) feet.
- (17) Identification Sign refers to a sign which contains advertising but is limited to the name, address and number of a building, institution or person on the premises.
- (18) Illuminated Sign is any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign face.
- (19) Incidental Sign is a sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

- (20) Indirect Illuminated Sign is a sign illuminated with a light so shielded that no direct rays from it are visible elsewhere than on the lot where illumination occurs.
- (21) Individual Letter Sign is any sign made of self contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.
- (22) Mansard is a roof having two slopes on all sides with the lower slope steeper than the upper.
- (23) Marquee is a roof like structure of a permanent nature which projects from the wall of a building.
- (24) Marquee sign is any sign attached to or constructed in a marquee,
- (25) Multi Prism Sign is a sign made with a series of triangular vertical sections that turn and stop, or index, to show more than one message in the same area.
- (26) Multiple Copy Sign is a sign which advertises other than the name of the business and the principal product or service sold or distributed on the premises.
- (27) Name Plate is a non-electric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, name plate

refers to all names and occupations or professions as well as the name of the building and directional information.

- (28) Non-Conforming Sign (legal) is any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance.
- (29) On Premises Sign is a sign which carries only advertisements strictly incidental to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.
- (30) Political Sign is any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot or primary, general, or special elections.
- (31) Portable Sign - same as Temporary Sign
- (32) Poster Panels (includes poster board or painted bulletins) is a structure or framework attached to a building or the ground for the purpose of posting advertising bills, posters, and painted signs.
- (33) Projecting Sign is any sign extending more than

eighteen (18) inches from the face or wall of a structure to which it is affixed.

- (34) Public Service Information Sign is any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news traffic control, etc.
- (35) Real Estate or Property for Sale, Rent or Lease Sign is any sign pertaining to the sale, lease or rental of land or building.
- (36) Revolving Sign is any sign which revolves or oscillates.
- (37) Roof Sign is a sign erected upon a roof above a parapet wall or building and which is wholly or partially supported by said building.
- (38) Sign is a name, identification, description, display, illustration or statuary which is affixed to, or represented directly upon a building, structure or piece of land, and which directs attention to an object, however, a "sign" shall not mean any display or official court or public nation, political unit, school, or religious group.
- (39) Sign, Gross Area shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and not forming an integral part of the display. When two (2) sides of a double faced sign are located not more than thirty-six (36) inches

apart at the widest point and not more than twelve (12) inches apart at the narrowest point and display identical messages or other representation, the gross area shall include only one (1) of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the area of a simple geometric figure which will encompass the letters is counted as part of the gross sign area.

- (40) Sign Structure is any sign which supports or is capable of supporting any sign as devised in this ordinance. A sign structure may be a single pole or may or may not be an integral part of the building.
- (41) Street is a public or private right-of-way which affords a means of access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land through-way, or however otherwise designated, but does not include driveways to buildings.
- (42) Temporary Sign is a banner, pennant, poster, or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, plastic, metal or other light material, with or without frames, that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period not to exceed forty five (45) days per calendar year per business location.



- (43) Under Marquee Sign is lighted or unlighted display attached to underside of a marquee protruding over public or private sidewalks or right-of-way.
- (44) Wall Sign is any sign attached to, erected or painted on the wall of a building or structure, and which projects not more than eighteen (18) inches from such wall.
- (45) Window Sign is any sign located completely within a enclosed building and visible from the exterior.
- (46) Zoning Lot is a parcel of land of sufficient size to meet minimum zoning requirements and shall consist of a single lot or lots of record under one ownership or metes and bounds description.
- (47) Zoning and Land Use shall mean the land use zone as established by the City council.

### SECTION 3 - GENERAL REQUIREMENTS

1. Scope. This ordinance pertains to and regulates all signs within the City of Dalton Gardens. All City, County, State and Federal signs are exempt.
2. Animated Signs Prohibited. No animated signs shall be erected or maintained in any land use zone.
3. Marquee and Mansard Roof Signs. Marquee and mansard roof signs may be placed on, attached to, or constructed on a marquee on mansard roof and shall be limited to the size and surface.
4. Multiple Copy Signs.
  - A. Copy area of multiple copy signs shall not exceed thirty percent (30%) of background to which applied.
  - B. Principal identification sign a sign which identifies only the name of the business and the principal product of service. These signs are not subject to any limitation of copy area to background.
5. Free Standing signs. Free standing signs may not project over the property lines.
6. Safety Standards. The code Enforcement Officer/ Building Inspector may order the removal of any sign erected or maintained in violation of this ordinance. He/She shall give notice in writing to the owner of such sign or of the building, structure or premises

on which such sign is located, to remove the sign or bring it into compliance. If the Code Enforcement Officer/Building Inspector deems the sign to be a hazard to the safety and welfare of the community, he/she may order that the owner remove said sign within five (5) days. A sign in direct line of vision in front of any traffic signal, from any point in the traffic lane, shall not be permitted. Any sign having red, green or amber illumination or illustrated in such a way as to interfere with the recognition of said traffic signals shall likewise not be permitted.

7. Mounting. All signs shall be mounted in one of the following manners:
  - A. Flat against a building or wall;
  - B. Back to back in pairs, so that back of sign will be screened from public view;
  - C. In clusters in an arrangement which will screen the back of the signs from public view; or
  - D. Otherwise mounted so that the faces of all signs or sign structures showing to public view shall be painted and maintained in a neutral color or a color that blends with surrounding environment.
8. Revolving Signs. No sign may revolve more than six (6) RPM.

9. Roof Top Signs. All new signs mounted on or above roof tops shall not exceed eight (8) feet above the roof line in permissible zones of the City.
10. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least seventy (70) pounds per square foot of surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended, or supported that they will not be a menace to persons or property.
11. Illumination. No flashing or intermittent red, green or amber illumination shall be located in the line of vision of approaching vehicular traffic, nor within thirty feet (30') of edge of any right-of-way. Where reflecting, radiating or other illumination is permitted, then:
  - A. The light from any illuminated sign shall be so shaded, shielded or directed so that the light intensity or brightness will be minimized to surrounding areas.
  - B. Such illumination shall be direct and the source of light shall not be exposed when located in or facing a residential district.
12. Maintenance of Signs. All signs and sign structures shall be properly maintained and kept in neat and property state of repair and appearance.

13. Removal of Obsolete, Non-maintained, or Abandoned Signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned shall be removed or restored by the business or property owner within thirty (30) days after the receipt of a removal or restoration request. If not removed or restored the City may remove such signs at the expense of the property owner.
14. Location. All free standing, ground, and portable signs shall be located within the property lines.
15. Advertising Signs. (Off Premises) shall meet all requirements of the zone in which they are located and such signs shall not exceed a maximum of thirty (30) feet in height, sixty four (64) square feet, per each side, spacing, five hundred (500) feet between signs on the same side of the street. No such sign shall be located within sixty (60) feet of any residentially zoned property. Flashing signs are prohibited.
16. Wall Signs. All display signs placed against the exterior walls of a building shall not extend over the property lines more than eighteen (18) inches outside of the wall surface for any one premises. However, all wall signs less than eight (8) feet in

height from ground level shall not extend more than six (6) inches from the wall surface. Every sign projecting over six (6) inches from the wall surface on public ingress and egress travelways shall have a minimum clearance of fifteen (15) feet.

#### SECTION 4 - GENERAL EXEMPTIONS

The provisions of this ordinance shall not apply to a sign located in a display window; or on a door of a business establishment which announces only the name of the proprietor or business establishment and the nature of the business; nor to a sign not exceeding six (6) square feet on a building, or on a premises adjacent to a building in which persons congregate for civic, political, education, religion, social or recreational purpose, displaying the name and nature of the occupancy, and information as to the condition of use, admission of time of services or event; not street signs erected by the City, nor to temporary use signs or banners authorized by the Code Enforcement Officer/Building Inspector.

The following signs shall be permitted anywhere within the city and shall not require a permit:

1. Real Estate Signs not to exceed twelve (12) square feet in area per lot in single family residence zone (R-1) and multi-family residence zone (R-2), and thirty two (32) square feet per lot in all remaining zones which advertise the sale, rental or lease of the premises upon which said signs are temporarily

placed. Such signs are permitted only upon the premises to be sold, leased, or rented and shall be removed within thirty (30) days of the sale or rental or lease.

Signs advertising the sale of new subdivision lots or rental of new apartment units not exceeding thirty two (32) square feet in area shall be permitted, providing that no more than one such sign be located at each major approach to the subdivision or apartment complex.

2. Construction Signs which identify the architects, engineers, contractors and other individuals or firms with the construction, but not including any advertisement of any product. Two (2) such signs not to exceed thirty two (32) square feet each shall be confined to the premises upon which construction occurs during the construction period. Such signs shall be removed within sixty (60) days of the shall be removed within sixty (60) says of the beginning of occupancy.

3. Temporary Political Signs may be erected upon private property under the following conditions. The person or organization responsible for the erection or distribution of any such signs, or the owner, or his agent, of the property upon which such signs may be located, shall cause the removal thereof within five

(5) days after the primary or special elections to which they are appurtenant to a general election. The person or organization responsible for the erection or distributing of any such signs, or the owner, or his agent, of the property upon which such signs may be located, shall cause the removal thereof within five (5) days after the general election to which they are appurtenant. No political sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a zoning lot.

4. Street Banners advertising a public event may be erected as approved by the Code Enforcement officer/ Building Inspector. Said banners shall be removed within five (5) days after termination of the event.
5. Parking Area Signs designating parking area entrances and exits are limited to one (1) sign for each such exit or entrance and to a maximum size of six (6) square feet each. One (1) sign per parking area, designating the conditions or use or identity of such parking area and limited to a maximum size of twenty four (24) square feet, shall be permitted. On a corner lot, two (2) such signs, one (1) facing each street, shall be permitted.



## SECTION 5 - RESIDENTIAL ZONES GENERALLY

The following non-flashing signs shall be allowed by permit in all residential zones. No off premises or portable signs allowed.

1. Bulletin Boards, one (1) sign for public and semi-public buildings, and religious institutions not to exceed twenty four (24) square feet. Such signs shall be located within the lot lines and not less than fifteen (15) feet from any public right of way, except when attached to a principal building. Such signs may be illuminated in accordance with the regulations contained herein, if building mounted, such signs shall be wall signs and shall not project above the roof line. If ground mounted, no such sign shall be constructed in a clear zone of three (3) feet to eight (8) feet with a maximum height of twenty (20) feet above the adjacent street center line grade.
2. Identification Signs, one (1) non-illuminated identification sign per zoning lot shall be permitted for on (1) family and two (2) family dwellings provided that such sign shall exceed two (2) square feet in area and not be closer than five (5) feet from any property line.
3. Single Family Residential Zone. Only exempted signs and those listed in residential zones generally,

above, will be allowed. Illuminated or portable signs are prohibited.

#### SECTION 6 - COMMERCIAL AND INDUSTRIAL ZONES GENERALLY

In all commercial zones where limitations are imposed by this ordinance on the projections of signs from face of the wall of any building or structure, such limitations shall not apply to identification canopy, mansard roof, or marquee signs indicating only the name of the building or the principal product available therein, provided that any identification sign located on a marquee, mansard roof, or canopy shall be affixed flat to be vertical face thereof and shall not extend higher than the closest roof edge. All signs permitted with any commercial zones shall be erected and maintained in accordance with the foregoing provisions of this ordinance and accordance with the following specifications:

1. All Commercial and Industrial Zones.
  - A. Area, the gross area in square feet of all signs on a zoning lot shall not exceed sixty four (64) square feet per side or a combined total of sixty four (64) square feet for all signs.
  - B. Special Conditions: Where a principal building is devoted to two (2) or more permitted uses, under single ownership or unified control, display signs shall be permitted subject to the following conditions:

- (1) Content: Such sign shall advertise only name and location of such center or individual use and the name and type of business of each occupant of the center.
- (2) Area: Each business establishment shall be permitted to erect signs indicating the name, the type of business, or the principal product sold on the premises. Each such sign shall be attached to the building and shall not project more than eighteen (18) inches from the face or wall of the structure. The combined square footage of signs per business shall not exceed sixty four (64) square feet.
- (3) Center Sign: In addition, on (1) free standing identification sign may be erected, indicating the name of the shopping complex and the names of the principal occupants thereof. No one such sign shall exceed sixty four (64) square feet per side and shall not exceed thirty (30) feet in height. The bottom edge of such signs shall be at least fifteen (15) feet above the ground level. No part of any such sign shall project nearer than fifteen (15) feet to any public right of way.

- (4) Height: No sign shall project higher than eight (8) feet above the building height except Center sign.

SECTION 7 - NON CONFORMING SIGNS, ALTERATION - RELOCATION

No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of the ordinance. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith and maintenance and repair shall not be deemed to be alterations within the meaning of this ordinance.

1. Determination of legal non-conformity. Existing signs which do not conform to the specific provisions of the ordinance may be eligible for the designation "legal non-conforming" provided that:
  - A. The Code Enforcement Officer/Building Inspector determines that such signs are properly maintained and do not in any way endanger the public.
  - B. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption or this ordinance.
2. Loss of legal non-conforming status. A legal non-conforming sign may lose this designation if:
  - A. The sign is relocated or replaced.
  - B. The structure or size of the sign is altered in any way except towards compliance with this ordinance. This does not refer to change of copy or maintenance and repair.

3. Maintenance and repair of non-conforming signs. The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformance with this code or removed within thirty (30) days.

#### SECTION 8 -PERMIT APPLICATION - FEE

All persons desiring to erect, or construct a sign, except those exempt, shall make application to and obtain a permit therefore from the office of the Code Enforcement Officer/Building Inspector and shall pay fee in accordance with the current fee schedule established by the City Council. Any temporary sign will require a permit and fee equal to one third (1/3) the minimum permit fee. At the time such application is sought, applicant shall furnish the following minimum information to the Code Enforcement Officer/Building Inspector.

1. A sample drawing of the sign.
2. Exact dimensions and location of the proposed sign.
3. Such other information as may be required by the Code Enforcement Officer/Building Inspector for his/her determination of compliance with the provisions of this ordinance

## SECTION 9 - PENALTY

Violations of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offence. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offence. Nothing herein contain shall prevent the council or any other public official or private citizen from taking such action as is necessary to restrain or prevent any violation of this ordinance.

## SECTION 10 - VARIANCES

Variances to this title shall be processed in accordance with the Zoning Ordinance of the City of Dalton Gardens.

## SECTION 11 - EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect upon its passage and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published in Coeur d'Alene, Kootenai County, Idaho, which is the official newspaper of 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, Idaho, at a regular meeting of the City Council held on the 1st day of August, 1996.

CITY OF DALTON GARDENS  
By Ray Tomes  
Ray Tomes, Mayor

ATTEST:  
Gayle K. Clayeux  
Gayle K. 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 Friday issue of said newspaper for 1 consecutive day commencing on the 11th day of August, 1996, and ending on the 11th day of August, 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 11th day of August, 1996.

Roberta Manley

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

ROBERTA MANLEY 2-5-99  
commission expires

## SUMMARIZATION OF CITY OF DALTON GARDENS ORDINANCE NO. 138

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, REGULATING THE LOCATION, SIZE, HEIGHT, ILLUMINATION, PROJECTION, ERECTION, MAINTENANCE AND QUALITY OF MATERIALS OF ALL SIGNS AND OFF-PREMISES ADVERTISING STRUCTURES WITHIN THE LIMITS OF THE CITY OF DALTON GARDENS, STATE OF IDAHO, PROVIDING FOR THE REMOVAL OF CERTAIN SIGNS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

The above Ordinance calls for orderly placement and erection of signs and billboards in the City of Dalton Gardens.

The Ordinance also:

1. Contains forty seven (47) definitions and sets forth minimum standards for all signs hereinafter erected within the City of Dalton Gardens.

2. Calls for enforcement by the Dalton Code Enforcement Officer or building inspector and provides for a procedure for removal of signs which create hazards.

3. Provides for design and structure standards. There are provisions for removal of obsolete, non-maintained or abandoned signs.

4. Provides for maximums in height and square footage and spacing.

5. Sets forth general exemptions for signs that are of a political, educational, religious or recreational purposes.

6. Makes provisions for real estate advertising, construction and temporary political signs.

7. Differentiates between residential, commercial and industrial zones.

8. Provides for legal non-conforming signs and sets forth regulations concerning the same.

9. Sets forth provisions for a permit to erect a sign and a fee therefore and process of obtaining the permit and how variances will be processed.

10. Provides a penalty for a fine not to exceed \$300.00 or six (6) months in jail for violations.

11. Provides that the Ordinance shall be effective upon its passage and publication in one (1) issue of the Coeur d'Alene Press.

The full text of the Ordinance is available at the Dalton Gardens City Hall, 6360 4th Street, Coeur d'Alene, Idaho.

Kenneth T. Jacobsen, being the City Attorney for the City of Dalton Gardens, pursuant to Idaho Code 50-901(a), hereby certifies that this summary is true and complete and provides adequate notice to the public of the contents of Ordinance #138.

DATED this 12th day of August, 1996.

Kenneth T. Jacobsen  
City Attorney



# 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 Tuesday issue of said newspaper for 2 consecutive weeks commencing on the 20th day of May, 1997, and ending on the 27th day of May, 1997, 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 27th day of May, 1997.

Roberta Manley

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

**ROBERTA MANLEY**  
My commission expires 2-5-99

**NOTICE OF HEARING**  
**NOTICE IS HEREBY GIVEN** that the City of Dalton Gardens City Council will hold a hearing at their regularly scheduled meeting 7:00 o'clock p.m. June 5, 1997 at City Hall, 6360 N. 4th Street, to consider setting fees for City of Dalton Gardens Sign Ordinance No. 138.  
All interested parties are invited to attend and offer public testimony.  
Gayle K. Clayeux  
City Clerk  
Legal 329  
May 20, 27, 1997