

CITY OF DALTON GARDENS

ORDINANCE #162

AMENDMENTS TO THE MUNICIPAL CODE NUMBER 8-2-1 SPEED LIMITS

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, amending the following sections of the Dalton Municipal Code: Municipal Code Title 8 Chapter 2 Section 1 to reduce the speed limit on 4<sup>th</sup>, 15<sup>th</sup> streets and Dalton Avenue from 4<sup>th</sup> Street east to the city limits.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

- Section 1 Title
- Section 2 Authority
- Section 3 Purpose
- Section 4 Findings of Fact
- Section 5 Amendments to the Code Sections
- Section 6 Severability
- Section 7 Conflicting Ordinance Provisions
- Section 8 Effective Date

SECTION 1 TITLE

This Ordinance shall be known as the TRAFFIC AMENDMENTS TO THE MUNICIPAL CODE ORDINANCE of Dalton Gardens.

SECTION 2 AUTHORITY

This Ordinance is authorized under the provisions of Idaho Code Section 49-208, 49-654.

SECTION 3 PURPOSE

The purpose of this Ordinance shall be to protect the public health safety and welfare by reducing the speed limits on specific streets and avenues in Dalton Gardens.

SECTION 4 FINDINGS OF FACT

- A. All required legal public notifications have been met pursuant to Idaho Code.
- B. All notification requirements under Idaho Code 49-208 have been met.
- C. Under Idaho Code Section 49-208.1.i, the City of Dalton Gardens has the authority to alter or establish speed limits.
- D. Under Idaho Code Section 49-208.1.subsections L and M, the City has the authority to prohibit or regulate the use of heavily traveled highways by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic and establishing minimum speed limits.
- E. Under Idaho Code Section 49-208.2, the City of Dalton Gardens is acting in their capacity of a local transportation authority.
- F. The City of Dalton Gardens has determined that the speed limit permitted under Idaho Code Title 49 in the residential district of Dalton Gardens is

greater than is reasonable and safe under the conditions existing on 4<sup>th</sup> and 15<sup>th</sup> Streets and Dalton Avenue.

SECTION 5 AMENDMENTS TO CODE SECTIONS

8-2-1: Speed Limits. It shall be unlawful to operate a vehicle on any of the streets in the City at a speed in excess of twenty five (25) miles per hour, except on the following streets and thoroughfares where the speed limit shall be thirty five (35) miles per hour:

~~Dalton Avenue, except twenty five (25) miles per hour when children are present.~~

~~Fifteenth Street~~

~~Fourth Street~~

South Prairie Avenue, from Government Way to Mt. Carroll. ~~except from Fourth Street to Mt. Carrol. (Ordinance 131, 8-4-1994)~~

SECTION 6 SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7 CONFLICTING ORDINANCE PROVISIONS


The provisions of this Ordinance shall supersede the applicable provisions of Dalton Gardens Municipal Code.

If a conflict occurs between this Ordinance and the Municipal Code or other City ordinances, this Ordinance shall take precedence.

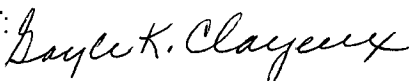
SECTION 8 EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this 8<sup>th</sup> Day of May, 2003

  
\_\_\_\_\_  
Roland "Ron Koontz, Mayor

DALTON GARDENS

ATTEST:   
CLERK

**CITY OF DALTON GARDENS**  
**BUILDING CODE ORDINANCE 162 (1)**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING APPOINTING A BUILDING OFFICIAL UNDER THE DIRECTION OF A MAYOR; ADOPTING STANDARDIZED CONSTRUCTION, FIRE, AND ENERGY CODES FOR APPLICATION IN DALTON GARDENS; ESTABLISHING DUTIES OF THE BUILDING OFFICIAL; ESTABLISHING ADMINISTRATIVE BUILDING SERVICES; ESTABLISHING RESPONSIBILITIES FOR PERMIT APPLICANTS; PROVIDING FOR REQUIREMENTS FOR MOVEMENT OF EXISTING STRUCTURES; PROVIDING FOR THE ISSUANCE OF MANUFACTURED HOME SETTING PERMITS; PROVIDING FOR APPEALS FROM ADMINISTRATIVE RULINGS; PROVIDING FOR CRIMINAL PENALTIES AND CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF THE STANDARDIZED CODES AND THIS ORDINANCE; PROVIDING FOR THE SEVERABILITY OF PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF CONFLICTING CODES AND ORDINANCE; AND PROVIDING AN EFFECTIVE DATE FOR THE PROVISIONS OF THE ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dalton Gardens, Idaho:

**SECTION 1.0 APPOINTMENT OF CITY BUILDING OFFICIAL**

There is hereby the appointment of a Dalton Gardens Building Official empowered to enforce the provisions of this Ordinance, the building, fire, and safety codes adopted pursuant to this Ordinance, and such other ordinances, as the City Council shall designate. The Building Official may be either appointed or under consultant contract.

The Building Official shall have the power and responsibility to render interpretations of the adopted codes and enforce rules and supplemental regulations in order to clarify the application of their provisions. Any reference in the standardized codes to mayor, council, or governing body shall be deemed to refer to the City Council of Dalton Gardens.

One (1) copy of each standardized code adopted herein shall be duly certified and filed for use by the public at City Hall.

**SECTION 2.0 ADOPTION OF CONSTRUCTION CODES**

Dalton Gardens hereby adopts the following construction codes and standards and shall enforce them with regard to all construction and development in the unincorporated areas of Dalton Gardens.

- A. The International Building Code 2000 Edition, as published by the International Code Council, including Appendix C, excluding any reference to flood requirements which shall be governed by Dalton Gardens Flood Damage Prevention Ordinance.
- B. The International Residential Code 2000 Edition, as published by the

International Code Council, including Appendixes E,G,J,K, excluding any reference to flood requirements which shall be governed by the Dalton Gardens Flood Damage Prevention Ordinance.

- C. The International Mechanical Code 2000 Edition, as published by the International Code Council.
- D. National Fire Protection Association Codes numbered 501A-2000 and 1194-2002 and the accepted engineering practice standards contained therein for compliance by the manufactured home and recreational vehicle industry.
- E. The International Energy Conservation Code 2000 Edition, as published by the International Code Council, excluding any reference to the International Residential Code which will be governed by the Northwest Energy Code.
- F. The International Property Maintenance Code 2000 Edition, as published by the International Code Council.
- G. The International Fire Code 2000 Edition, as published by the International Code Council.
- H. The International Fuel Gas Code 2000 Edition, as published by the International Code Council.
- I. The 2001 and 2002 Accumulative Supplement to the International Codes, as published by the International Code Council.
- J. Life Safety NFPA 101, 2000 edition, as published by the National Fire Protection Association.

### SECTION 3.0 ADOPTIONS OF INTERNATIONAL CODES

The following terms, conditions, and provisions shall be incorporated into the Codes identified in Section 2.0 of this Ordinance and shall be enforced as part of said Codes.

- A. The minimum roof design snow load shall be forty (40) pounds per square foot.
- B. No building or structure shall be used or occupied until the Building Official has issued a Certificate of Occupancy.
- C. A one-story detached accessory structure used as a tool and storage shed, playhouse, and similar uses shall not require a building permit so long as it is less than two hundred (200) square feet measured from outside eave to outside eave and is located not less than twenty (20) feet from any structure on the same lot or parcel. Said accessory structure shall conform to minimum placement standards established by the Dalton Gardens Municipal Code.
- D. Remodeling of occupancies described as Group R Division 3 and Group U Division 1, will not require a building permit for the purpose of:
  - 1. General maintenance.
  - 2. Work done that does not include anything structural.

3. Any alteration that would not affect the structural integrity of the building.
  4. Any alteration that would not affect any life safety requirements.
- E. Minimum reinforcement for foundation walls which do not exceed 4 feet in height (measured from the bottom of the footing), may be 4 feet on center for vertical reinforcement and 2 feet on center for horizontal reinforcement, unless closer spacing is specified for design or engineering requirements. All conventional footings will be required to install two #4 horizontal rebar in the footing. Walls constructed for basements, eight feet or less in height, may utilize a prescriptive method of rebar placement: eighteen inches (18") on center, horizontal and vertical, #4 bar, grade 40.
  - F. The minimum depth for frost protection purposes, from ground surface to the bottom of a footing, shall be twenty-four (24) inches.
  - G. If the slope in the immediate vicinity of the construction site is greater than 6 % for residential and all commercial sites, the Building Official may require a detailed site plan and/or a foundation plan be prepared by an Idaho-licensed design professional. These plans may be in addition to any storm water management or erosion control plans required by other ordinances or code requirements.
  - H. The Building Official may require a soil test on the site and may additionally require that the foundation design for any proposed structure be approved by an Idaho licensed design professional. If the soil type is not included in the Soil Survey of Kootenai, Idaho, the soil type shall be determined by an Idaho licensed professional engineer.
  - I. The private garage shall be separated from the residence and its attic area by means of minimum 5/8 inch type X gypsum board applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 13/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 13/8 inches (35mm) thick. Openings from a private garage direction into a room used for sleeping purposes shall not be permitted.
  - K. The garage shall be separated from its residence and its attic area by not less than 5/8 inch Type X gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8 inch Type X gypsum board or equivalent.
  - L. Continuous handrails will be required without any interruptions by newel posts for the entire run of the stairway in all R-3 structures.
  - M. In all residential structures (R-3), the minimum floor live loads shall be 40 pounds per square foot.
  - N. Residential structures (R-3) shall have a minimum ceiling height of seven feet (7') including projections, basements and bathrooms, excluding stairways which shall have a minimum height of six feet eight inches (6'-8").
  - O. All mechanical gas pipe installations will be tested at a pressure of 10 lbs psi for a duration of 15 minutes, except gas welded pipe.

## SECTION 4.0 ISSUANCE OF PERMITS -DUTIES OF PERMIT APPLICANT

An applicant for a building permit or other construction permit as governed by this Ordinance shall be responsible, in presenting his/her application for a permit, for showing that the activity to be carried out pursuant to the requested permit meets the following standards:

- A. Complies with the Dalton Gardens Municipal Code, Northwest Energy Code, Fuel Gas Installer's Licensing Requirements Ordinance, and all other applicable ordinances of the City.
- B. Complies with the International Building and Residential Code application requirements.
- C. Has received final approval on a variance, conditional use permit, temporary hardship, final subdivision plat, or zone change if one is required.
- D. Has received necessary water, sewer, and health permits from the Dalton Water Association, Panhandle Health District or other sewer districts.
- E. Has received an access, approach, or encroachment approval from the City or the Lakes Highway District (when applicable), and the Fire District (when applicable), providing service to the site upon which the permit has been requested.
- F. For mobile manufactured home setting permits, has received approval from Kootenai County Assessor's Appraisal Division, verifying that appropriate taxes have been paid.
- G. For pole barns, log homes, steel structures or other alternate building systems not tested and approved by the National Evaluation Service, Inc. or the International Conference of Building Officials Evaluation Service, Inc. or the International Code Council Evaluation Service, Inc., have plans approved and stamped by a design professional licensed in the State of Idaho.
- H. Commercial, industrial, educational, assembly buildings and their site plans shall be designed by a licensed Idaho design professional. The site plan for any of these buildings include, but are not limited to; distances to the property line and/or other buildings, easements, provisions of site disturbance requirements, driveways, approaches and parking.

## SECTION 5.0 CERTIFICATION OF OCCUPANCY

- A. Prior to issuance of a Certificate of Occupancy the applicant shall provide final approval signatures from other agencies also performing inspection services on that particular project including, but not limited to, the Fire District, the Highway District, the Panhandle Health District, or other sewer districts, the State Electrical Inspector, the State Plumbing Inspector, the State Building Inspector, the Idaho Department of Health and Welfare, the Department of Lands, and the U.S. Army Corp of Engineers. All approval signatures from the above mentioned agencies are at the discretion of the Building Official with the City Council approval.
- B. Any permit applicant who's requested building permit or Certificate of Occupancy is denied by the Building Official for reasons related to the refusal of an official of a jurisdiction other than Dalton Gardens to approve said permit or certificate shall be entitled to appeal said denial to the Dalton Gardens City Council. Any person having record title to or a legal interest in, the

building or premises subject to the Building Official's notice and order as provided in Section 10 of this Ordinance may appeal the Building Official's notice and order to the Dalton Gardens City Council.

1. Such appeal shall be taken solely upon the record and upon such testimony and evidence as might be introduced before the Council by the parties and any agency whose approval has been withheld. Notice of such review shall be provided at least five (5) days prior to the hearing of the parties and agency, respectively, by first class mail.
2. If the Council is able to develop an accord between the parties and the withholding agency, said accord shall be reduced to writing, signed by the parties, and the appeal shall go no further.
3. The City Council may decide whether to allow the permit or certificate to be issued despite objection by another agency. A decision to issue a permit or certificate may be made if the Council finds from the record developed in the case that the applicant has complied with all ordinances of Dalton Gardens or any State laws for which Dalton Gardens has enforcement responsibility. The requested permit or certificate shall be withheld if the record provides evidence that a City ordinance or applicable State law is violated if the permit or certificate were issued. The City Council may decide whether or not the Building Official properly issued a notice and order pursuant to Section 10 of the Ordinance. If the City Council finds, based on the record that the applicant has satisfied all the provisions of this Ordinance, then the City Council shall direct the building Official to withdraw the notice and order previously issued.

The City Council shall render a decision in writing, setting the factual and legal basis for its determination. Notice of the decision shall be promptly provided to the parties and to the agency contesting the permit or certificate. Any approved permit or certificate may be issued ten (10) days after the date of the final decision by the Council. In the event of Council approval, further responsibility for enforcement shall rest solely with the contesting agency.

## SECTION 6.0 FEES FOR BUILDING PERMITS AND ASSOCIATED SERVICES

Fees for building permits and related Building Department services shall be set by resolution by the City Council.

Building valuation obtained from the Building Valuation Data published by the International Conference of Building Officials (I.C.B.O.) Building Standards magazine each year, shall be used to determine valuation of construction. Such valuation shall become effective on January 1, of the calendar year following the I.C.B.O. Publication. Discontinuance of said publication will result in the use of the last Valuation Data and computations of local and national construction statistics to determine fair market value of fees to be charged.

## SECTION 7.0 STRUCTURE MOVING REQUIREMENTS

- A. Any person desiring to move an existing structure, excluding a manufactured home, to a location within the incorporated areas of Dalton Gardens shall obtain the following inspections and permits prior to initiating moving activities:
  1. Pre-move Inspection- The person or firm who will be the owner of the structure when it is placed on its destination site, hereinafter the destination owner, shall arrange for a code compliance inspection with the jurisdiction having code enforcement

responsibilities at the pre-move location of the structure, prior to initiating the move. The results of said inspection shall be supplied by the owner to the Dalton Gardens Building Official. Upon receipt of the inspection report, the Dalton Gardens Building Official shall inform the person or the firm requesting the pre- move inspection what corrections will be necessary before occupancy of the relocated structure will be allowed. Said requirements may be referred to by an itemized list or by reference to the inspection report submitted by the pre-move jurisdiction.

2. Moving Permit- Permission to move the structure in question into or within Dalton Gardens may be granted by the Building Official if the following conditions have been met satisfactorily:
  - a) An acknowledgement has been received from the destination owner that code compliance requirements will be met prior to occupancy of the relocated structure.
  - b) Copies of permits to use public rights-of-way for movement of the structures have been obtained from all public agencies having responsibility for the rights-of-way to be used in the move. Any bonds or surety requirements associated with the use of the public right-of-way for movement of the structure shall be obtained and submitted to the transportation agency (ies) responsible for regulation of pertinent rights-of-way prior to issuance of the permits required herein. Dalton Gardens shall not be responsible for security of the move in any manner.
  - c) A building permit for all improvements to be installed upon the destination site shall be obtained prior to initiating the move. Adequate plans and accessory permits from special purpose districts serving the destination site shall be provided as same would be required for completely new construction on the destination site.
  - d) Nothing in the process of permit review for structures to be moved shall excuse the destination owner from his responsibility to repair any damage caused by movement of the structure, prior to occupancy.
  - e) Notification of moving date and route shall be made to the Fire Protection District (s) and all other emergency services dispatch centers before and during the move.

## SECTION 8.0 MANUFACTURED HOME SETTING PERMITS -REQUIREMENTS

Although actual construction standards for manufactured homes are enforced by the Idaho Department of Building and Safety, a setting permit shall be required prior to placement of a manufactured home within the incorporated areas of Dalton Gardens. Placement of a manufactured home shall mean the installation of said structure on a foundation or similar support system and/or its connection to water or sewer facilities, electricity, gas, telephone, cable television, or similar services, or initiation of its use as a residence or for a residentially related purpose. To obtain a setting permit or manufactured home foundation permit, the applicant shall supply information identical with that required from one seeking to build a dwelling on site, excluding the required plans for the structure itself the relocated structure will be allowed. Said requirements may be referred to by an itemized list or by reference to the inspection report submitted by the pre-move jurisdiction.



2. Moving Permit- Permission to move the structure in question into or within Dalton Gardens may be granted by the Building Official if the following conditions have been met satisfactorily:
- a) An acknowledgement has been received from the destination owner that code compliance requirements will be met prior to occupancy of the relocated structure.
  - b) Copies of permits to use public rights-of-way for movement of the structures have been obtained from all public agencies having responsibility for the rights-of-way to be used in the move. Any bonds or surety requirements associated with the use of the public right-of-way for movement of the structure shall be obtained and submitted to the transportation agency (ies) responsible for regulation of pertinent rights-of-way prior to issuance of the permits required herein. Dalton Gardens shall not be responsible for security of the move in any manner.
  - c) A building permit for all improvements to be installed upon the destination site shall be obtained prior to initiating the move. Adequate plans and accessory permits from special purpose districts serving the destination site shall be provided as same would be required for completely new construction on the destination site.
  - d) Nothing in the process of permit review for structures to be moved shall excuse the destination owner from his responsibility to repair any damage caused by movement of the structure, prior to occupancy.
  - e) Notification of moving date and route shall be made to the Fire Protection District (s) and all other emergency services dispatch centers before and during the move.

#### SECTION 9.0 MANUFACTURED HOME SETTING PERMITS –ADDITIONAL REQUIREMENTS

When the manufacturer requires footings to be installed according to their direction, such information shall be provided to the Building Department and a footing inspection prior to the placement of concrete will be required.

Manufactured homes and mobile homes that are to be converted to real property shall comply with Section 44-2201 (2) of the Idaho State Code. When the manufacturer's direction for footings do not meet the minimum requirements of the Idaho State Code 44- 2201 (2) for converting manufactured homes and mobile homes to real property, then Idaho State Code 44-2201 (2) will have precedence.

All other footings for manufactured homes and mobile homes that are not required to be set according to manufacturer's instructions, or that are not to be converted to real property, will comply with the National Fire Protection Association (N.F.P .A.) 501.A 2000 Edition.

#### SECTION 10.0 APPEALS FROM ADMINISTRATIVE RULINGS

Appeals from administrative orders made by the Building Official may be appealed in accordance with the procedures contained in the standardized codes adopted by this Ordinance and with such additional procedures as may be adopted by Order of the City Council.

#### SECTION 11.0 REMEDIES AND PENALTIES

The primary purpose of the Ordinance shall be to obtain compliance with the standardized codes adopted to protect the health, safety, and welfare of the public. To that end, the Building Official may

seek to use the following remedies as may be appropriate to see that these Ordinance provisions are enforced:

- A. Any person who violates any provisions of this Ordinance, or of the standardized codes adopted pursuant to this Ordinance is guilty of a misdemeanor.
- B. A separate violation is deemed to have occurred with respect to each building or structure not in compliance with the codes adopted herein. Each day such violation occurs or continues will constitute a separate offense.
- C. The Building Official, with the consent of the Dalton Gardens City Council, may seek equitable relief from a court of competent jurisdiction to restrain conduct in violation of this Ordinance or to compel performance of duties established by this Ordinance. Said equitable remedies may be sought in addition to criminal penalties.
- D. The assessment of Investigation Fees will be one hundred percent (100%) of the actual permit fee and will also apply to Mobile Manufactured Home setting permits.
- E. Whenever the Building Official has determined that an applicant has abandoned the project for which a permit was obtained, or that the applicant has failed to obtain a Certificate of Occupancy as required by this Ordinance, or if the Building Official determines that an applicant has failed to comply, or refuses to comply, with provisions of this Ordinance, then the Building Official may issue a Notice and Order directed to the record owner of the property stating the nature of the non compliance with the ordinance. If the record owner of the property has not provided proof of compliance with the ordinance within the time limits established by this Ordinance, then the Building Official may file in the Office of the County Recorder a certificate describing the property and certifying that the property is not in compliance with this Ordinance and that the owner has been so notified. The Building Official shall comply with the following procedures before recording a Notice and Order in the Office of the County Recorder.
- F. The Building Official may elect to use any, or all, or any combination of, the remedies and penalties set forth in this Ordinance.
  1. Notice and Order

The Building Official may issue a Notice and Order to the record owner of the building. The Notice and Order shall contain the following information:

- a) The street address and a legal description sufficient for identification of the premises upon which the building is located
- b) A statement of the Building Official containing a brief and concise description of the conditions found to render the building or premises in violation of this Ordinance.
- c) A statement of the action required to be taken, as determined by the Building Official, in order to bring the property into compliance with this Ordinance.
- d) A statement by the Building Official establishing a reasonable amount of time, not to exceed 60 days from the date of the Notice and Order, to allow the record

owner of the property to take such steps as are necessary in order to bring the property into compliance with this Ordinance.

- e) The Notice shall advise that any person(s) having record title or legal interest in the building may appeal from the issuance of the Notice and Order, in accordance with the procedural provisions set forth in Section 10 of this Ordinance. The Notice shall also indicate that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter, and that an appeal of the Building Official's Notice and Order must be in writing and must be received by the Building Official within 28 days of the date the Notice and Order was served.

## 2. Service of Notice and Order

The Notice and Order, and any amended or supplemental Notice and Order, shall be served upon the record owner of the property and posted on the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings under this section as to any other person duly served or relieve any person from any duty or obligation imposed on him by the provision of this Ordinance.

## 3. Method of Service

Service of the Notice and Order shall be made upon all persons either personally or by mailing a copy of such Notice and Order by certified mail, postage prepaid, return receipt requested, to each person entitled to notice at his address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of the person so appears or is known to the Building Official, then a copy of the Notice and Order shall be mailed, addressed to person, at the address of the building involved in the proceeding. Service by certified mail in the manner provided by this Ordinance shall be effective on the date of mailing.

## 4. Proof of Service

Proof of Service of the Notice and Order shall be certified at the time of service by a written affidavit, under penalty of perjury, by the person(s) performing service and indicating the time, date and manner in which service was made. This affidavit, together with a receipt card returned in acknowledgment of receipt by certified mail, shall be retained by the Building Official.

## 5. Recordation of Notice and Order

If the Building Official's Notice and Order is not complied with within the time specified, and no appeal has been properly and timely filed, the Building Official may file in the Office of the County Recorder, a certificate describing the property and certifying that the building is not in compliance with this Ordinance and that the record owner has been notified of the non-compliance. The certificate shall also contain a brief and concise description of the nature of the non-compliance and shall include a statement of the actions required, if any, which must be taken in order to bring the building into compliance with the Ordinance.

## 6. Release of Notice and Order

Whenever the Building Official has determined that the conditions which caused the building to fail to comply with this Ordinance have been corrected, the Building Official shall file a new certificate with

the Office of the County Recorder certifying that the previously recorded Notice and Order shall be released and that all required corrections have been made so that the property is in compliance with this Ordinance.

SECTION 12.0 SEVERABILITY

If any part of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect. To this end, the provisions of the Ordinance shall be severable.

SECTION 13.0 REPEAL OF CONFLICTING ORDINANCES

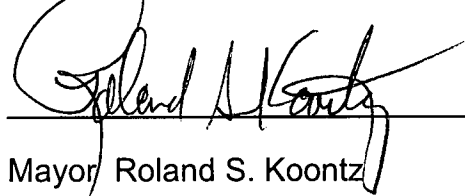
The provisions of this Ordinance shall supersede the previous building code ordinance and shall govern all building permits and building occupancy following the effective date of this Ordinance. Building permits issued pursuant to the Municipal Code and the previous building code ordinance number 110 will be honored and construction on projects initiated under prior codes may proceed to completion in accord with the codes in *effect* at the time of permit issuance. Any repair, reconstruction, remodeling, or alteration of existing structures shall conform to the codes in *effect* at the time the most recent permit is applied for.

SECTION 14.0 EFFECTIVE DATE

This Ordinance shall take *effect* and be in full force upon its passage, approval, and publication in one (1) issue of The Coeur d'Alene Press.

DATED this 6<sup>TH</sup> of February, 2003.

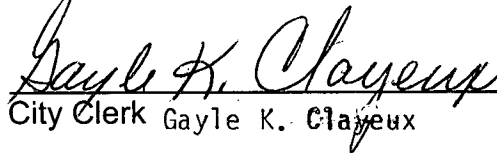
Dalton Gardens



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Mayor Roland S. Koontz

ATTEST:



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City Clerk Gayle K. Clayeux

# AFFIDAVIT OF PUBLICATION

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

Kattie Hoy 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 one consecutive day commencing on the 5 day of November 2003, and ending on the 5 day of November 2003, and such publication was made as often during said period as said Daily newspaper was regularly issued.

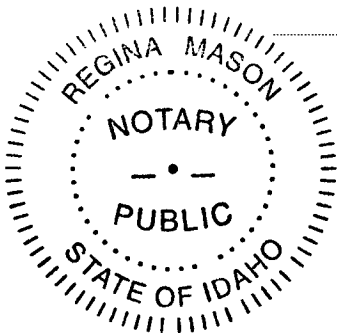
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Kattie L. Hoy

Personally appeared before me this 5 day of November, 20 03

Regina Mason  
Notary Public for the State of Idaho,

residing at Coeur d'Alene, Idaho.  
**MY COMMISSION EXPIRES 6/18/09**



# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai, } ss.

*Misti Flood*

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 *Saturday* issue of said newspaper for *1* consecutive *Day* commencing on the *31* day of *May*, 20*03*, and ending on the *31* day of *May*, 20*03*, 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.

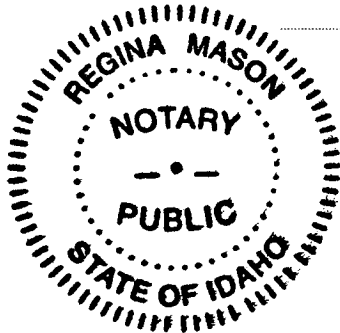
*Misti Flood*

Personally appeared before me this *31* day of *May*, 20*03*.

*Regina Mason*

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

MY COMMISSION EXPIRES 6/18/09



**CITY OF DALTON GARDENS  
ORDINANCE #162  
AMENDMENTS TO THE  
MUNICIPAL CODE**

**NUMBER 8-2-1 SPEED LIMITS**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, amending the following sections of the Dalton Municipal Code: Municipal Code Title 8 Chapter 2 Section 1 to reduce the speed limit on 4th, 15th streets and Dalton Avenue from 4th Street east to the city limits.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

- Section 1 Title
- Section 2 Authority
- Section 3 Purpose
- Section 4 Findings of Fact
- Section 5 Amendments to the Code Sections
- Section 6 Severability
- Section 7 Conflicting Ordinance Provisions

Section 8 Effective Date

**SECTION 1 TITLE**

This Ordinance shall be known as the TRAFFIC AMENDMENTS TO THE MUNICIPAL CODE ORDINANCE of Dalton Gardens.

**SECTION 2 AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Section 49-208, 49-654.

**SECTION 3 PURPOSE**

The purpose of this Ordinance shall be to protect the public health safety and welfare by reducing the speed limits on specific streets and avenues in Dalton Gardens.

**SECTION 4 FINDINGS OF FACT**

A. All required legal public notifications have been met pursuant to Idaho Code.

B. All notification requirements under Idaho Code 49-208 have been met.

C. Under Idaho Code Section 49-208.1.i, the City of Dalton Gardens has the authority to alter or establish speed limits.

D. Under Idaho Code Section 49-208.1 subsections L and M, the City has the authority to prohibit or regulate the use of heavily traveled highways by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic and establishing minimum speed limits.

E. Under Idaho Code Section 49-208.2, the City of Dalton Gardens is acting in their capacity of a local transportation authority.

F. The City of Dalton Gardens has determined that the speed limit permitted under Idaho Code Title 49 in the residential district of Dalton Gardens is greater than is reasonable and safe under the conditions existing on 4th and 15th Streets and Dalton Avenue.

**SECTION 5 AMENDMENTS TO CODE SECTIONS 8-2-1:**

Speed Limits. It shall be unlawful to operate a vehicle on any of the streets in the City at a speed in excess of twenty five (25) miles per hour, except on the following streets and thoroughfares where the speed limit shall be thirty five (35) miles per hour:

~~Dalton Avenue, except twenty five (25) miles per hour when children are present.~~

~~Fifteenth Street~~

~~Fourth Street~~

South Prairie Avenue, from Government Way to Mt. Carroll, except from Fourth Street to Mt. Carroll. (Ordinance 131, 8-4-1004)

**SECTION 6 SEVERABILITY**

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 7 CONFLICTING ORDINANCE PROVISIONS**

The provisions of this Ordinance shall supersede the applicable provisions of Dalton Gardens Municipal Code.

If a conflict occurs between this Ordinance and the Municipal Code or other City ordinances, this Ordinance shall take precedence.

**SECTION 8 EFFECTIVE DATE**

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this 8th day of May, 2003.

Roland "Ron" Koontz, Mayor  
DALTON GARDENS

ATTEST:

Gayle K. Clayeux, Clerk

Legal 3182

May 31, 2003