

**CITY OF DALTON GARDENS**

**ORDINANCE NO. 173**

**AMENDMENTS TO TITLE FIVE OF THE DALTON GARDENS MUNICIPAL  
CODE**

**AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL  
SUBDIVISION OF THE STATE OF IDAHO, TO CREATE ALLOWED USE  
CATEGORIES FOR SEASONAL AGRICULTURAL, HORTICULTURAL AND  
ANIMAL PRODUCTS GROWN AND RAISED ON SITE.**

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

- Section 1: Title
- Section 2: Authority
- Section 3: Purpose
- Section 4: Definitions
- Section 5: Amendments
- Section 6: Severability
- Section 7: Conflicting Ordinance Provisions
- Section 8: Effective Date

**SECTION 1: TITLE**

This Ordinance shall be known as the amendments to TITLE 5 CHAPTER 5 OF THE DALTON GARDENS MUNICIPAL CODE.

**SECTION 2: AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Section 67-6509, 67-6511 and 67-65-12.

**SECTION 3: PURPOSE:** The purpose of the ordinance is to allow seasonal produce stands for agricultural, horticultural and animal products *that are grown and raised on site to be sold on site, in their natural forms, without a permit.*

**SECTION 4: DEFINITIONS**

Seasonal Agricultural, Horticultural and Animal Products – The sale of agricultural, horticultural and animal products that are grown and raised on site. These items may not be processed or manufactured into other products for sale on site.

**SECTION 5: AMENDMENTS**

SECTION:

- 5-5-1 Use Restrictions (Amended)
- 5-5-2 Specials Uses (Not Amended)
- 5-5-3 Minimum Building Site Dimensions (Not Amended)
- 5-5-4 Yards (Not Amended)
- 5-5-5 Manufactured Homes (Not Amended)

5-5-1: USE RESTRICTIONS: In the Residential District, no building or land located therein shall be used, nor any structure hereafter erected or altered, except for the following purposes:

The usual accessory buildings commonly appurtenant to a single-family dwelling.

~~Agriculture purposes, including the raising, breeding and maintaining of domestic animals for personal use and consumption but not for commercial purposes.~~

Seasonal Agricultural, Horticultural and Animal Products – The sale of agricultural, horticultural and animal products that are grown and raised on site. The raising, breeding and maintaining of dogs, for the purposes of this Title, is not an agricultural purpose.

Home gardens and gardening of vacant land.

Single family dwellings.

Trailer houses and tandem trailers not used for human occupancy. (Ord. 105, 1-7-1989)

**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**

If any conflict occurs between this Ordinance and provisions of the other City Ordinances, the more restrictive Ordinance shall take precedence.

**SECTION 8: EFFECTIVE DATE**

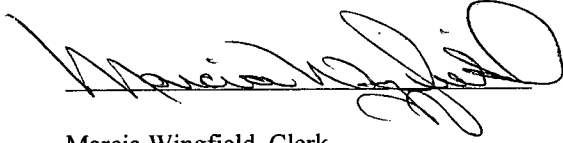
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this 7<sup>th</sup> day of April, 2005.



Dan Franklin, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Marcia Wingfield", written over a horizontal line.

Marcia Wingfield, Clerk

**City of Dalton Gardens  
Notice of Adoption  
Ordinance Number 173  
Allowed Use Category for Agricultural, Horticultural and Animal  
Products  
April 7 2005**

The Dalton Gardens City Council, at a duly notice public hearing held on April 7, 2005, adopted Ordinance Number 173, which creates an allowed use category for agricultural, horticultural and animal products that are grown and raised on site to be sold on site, in their natural forms, without a permit. It further states that these items may not be processed or manufactured into other products for sale on site. The ordinance will take effect upon the first publication which is scheduled for April 20, 2005. The full text of the Ordinance is available at the Dalton Gardens City Hall, 6360 N. 4<sup>th</sup> Street during regular office hours.

Attest: Marcia Wingfield, City Clerk/Treasurer

Publish:  
CDA Press Wednesday, April 20, 2005

*This summary complies w/  
statute on summarization of  
Ordinances*

*Kee Juh*

# AFFIDAVIT OF PUBLICATION

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

*Kattie Hay*

..... 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

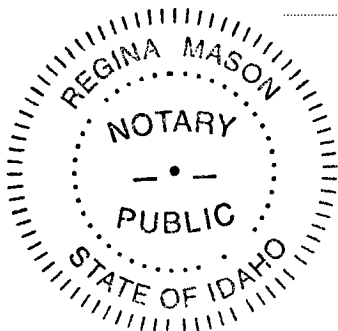
of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for one consecutive day commencing on the 23 day of March, 2005, and ending on the 23 day of March, 2005, and such publication was made as often during said period as said Daily newspaper was regularly 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 Hay  
On this 23 day of March in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Regina Mason*

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

MY COMMISSION EXPIRES 6/18/09



NOTICE OF PUBLIC HEARING  
CITY OF DALTON GARDENS  
CITY COUNCIL  
APRIL 7, 2005

The Dalton Gardens City Council will hold a public hearing on April 7, 2005 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND THE BUILDING CODES CHAPTER TO ADOPT THE CURRENT INTERNATIONAL BUILDING CODE AS ADOPTED BY THE STATE LEGISLATURE.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 7:00 p.m. on Thursday, April 7, 2005. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Friday). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:  
Marcia Wingfield  
City Clerk  
Legal 6885  
March 23, 2005

# 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 20 day of April, 2005, and ending on the 20 day of April, 2005, 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 Hoy. On this 20 day of April in the year of 2005, before me, a Notary Public, personally appeared Kattie Hoy, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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  
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Ordinance Number 173  
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Agricultural, Horticultural and  
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Attest: Marcia Wingfield, City Clerk/Treasurer  
Legal 7066  
April 20, 2005

