

CITY OF DALTON GARDENS
ORDINANCE NO. 179
GENERAL LICENSE AND PERMIT PROCEDURES

AN ORDINANCE OF DALTON GARDENS, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE CITY CODE OF THE CITY OF DALTON GARDENS, IDAHO, SETTING FORTH AMENDED PROVISIONS FOR THE TIMING, TERMINATION, AND REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE IN THE CITY OF DALTON GARDENS.

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

TITLE AND PURPOSE:

This Ordinance shall be known as the CITY GENERAL LICENSE AND PERMIT PROCEDURE ORDINANCE and is intended to protect the health, safety, and general welfare of the public and for the protection of the citizens of Dalton Gardens, Idaho. This Ordinance shall be applicable to all owners of businesses within the City of Dalton Gardens, but not including Home Based Businesses.

CHAPTER 1

GENERAL LICENSE AND PERMIT PROVISIONS

SECTION:

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- 3-1--2: License Required
- 3-1--3: Applications For Licenses And Permits
- 3-1--4: License Fee
- 3-1--5: Investigations And Inspections
- 3-1--6: Forms And Signatures
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3-1-1: DEFINITIONS:

When used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

BUSINESS: Every employment or occupation which occupies the time, attention and labor of persons for purposes of livelihood or for profit.

PERSON: Includes bodies politic and corporate, partnerships, associations and corporations.

3-1-2: LICENSE REQUIRED:

No person shall be engaged in, maintain or conduct any business 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 without obtaining a license therefor.

3-1-3: APPLICATIONS FOR LICENSES AND PERMITS:

Applications for all licenses and permits required by this Chapter 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.

3-1-4: LICENSE FEE:

The license fee shall be the sum of fifty dollars (\$50.00) per business license.

3-1-5: INVESTIGATIONS AND INSPECTIONS:

A. Generally: Upon 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.

B. Inspection Of Premises:

1. Inspections Generally: 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.

2. Analyses: 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.

3. Failure to Allow Inspection or Analysis; Revocation of License or Permit: 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.

3-1-6: FORMS AND SIGNATURES:

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

B. Signatures Required: 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.

3-1-7: TERMINATION OF LICENSE OR PERMIT:

All annual licenses or permits shall terminate on ~~December 31~~ June 30 where no provision to the contrary is made. However, for purposes of compliance under Title 7, Chapter 4 of this Code, an interim business license will be required from January 1, 2006 to June 30, 2006.

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~~ four (4) months 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.

3-1-8: BUILDING AND PREMISES:

A. 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, including the requirements of Title 7, Chapter 4 of this Code.

B. 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 Municipality⁴ or Title 7, Chapter 4 of this Code.

3-1-9: CHANGE OF LOCATION:

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, further, the building² and zoning¹ and wastewater³ requirements of this Code are complied with.

3-1-10: NUISANCE BUSINESSES PROHIBITED:

No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

3-1-11: VIOLATION AND PENALTY:

It shall be unlawful and a misdemeanor, punishable in accordance with the penalties set out in Section 1-4-1 of this ~~City~~ Code, 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 January 1 of each year thereafter~~ by the dates set forth in this Ordinance.

3-1-12: 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.

3-1-13: CONFLICTING ORDINANCE PROVISIONS

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

3-1-14: EFFECTIVE DATE.

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

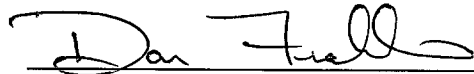
PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the

¹ See Title 5 of this Code.

² See Title 4 of this Code

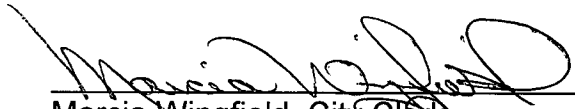
³ . See Title 7 of this Code.

Mayor and City Council held on the 3rd day of November, 2005.



Dan Franklin, Mayor

ATTEST:



Marcia Wingfield, City Clerk

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.

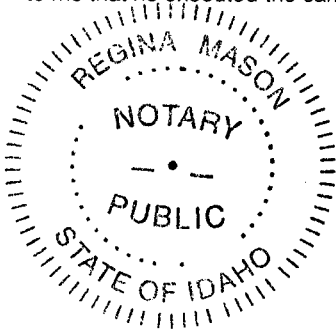
3. The Legal Notice

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 7 day of December 2005, and ending on the 7 day of December 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 7 day of December 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, IDAHO
SUMMARY OF ORDINANCE NO. 179
GENERAL LICENSE AND PERMIT PROCEDURES
AN ORDINANCE OF DALTON GARDENS, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE CITY CODE OF THE CITY OF DALTON GARDENS, IDAHO, SETTING FORTH AMENDED PROVISIONS FOR THE TIMING, TERMINATION, AND REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE IN THE CITY OF DALTON GARDENS.

Pursuant to Idaho Code §50-901A, Ordinance 179 of the City of Dalton Gardens is summarized as follows:

ORDINANCE 179 PROVIDES THE FOLLOWING CHANGES TO TITLE 3, CHAPTER 1 OF THE DALTON GARDENS CITY CODE:

1. Business Licenses or Permits shall now terminate on June 30th of each year, but an interim business license will be required from January 1, 2006 to June 30, 2006 in order for business license holders to comply with Dalton Gardens waste or subsurface sewage disposal requirements under title 7, Chapter 4 of the Dalton Gardens City Code.

2. The City Clerk will give three (3) months prior notice of expiration of licenses.

3. The provisions and regulations of Title 7, Chapter 4 of the Dalton Gardens City Code must be complied with, by business owners, prior to issuance of a business license.

4. The Ordinance provides that it shall be a misdemeanor for any person to fail to obtain a business license as required by Ordinance 179.

5. Ordinance 179 shall be effective after publication of this Summary in one (1) issue of the Coeur d'Alene Press.

6. The full text of Ordinance 179 is available at the city of Dalton Gardens City Hall Building.

DATED this 1st day of December, 2005.

Dan Franklin, Mayor
Marcia Wingfield, Clerk

Legal 8372
December 7, 2005

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 19 day of October 2005, and ending on the 19 day of October 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 19 day of October 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.

NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS CITY COUNCIL November 3, 2005

The Dalton Gardens City Council will hold a public hearing on November 3, 2005 to hear the following Municipal Code amendment:

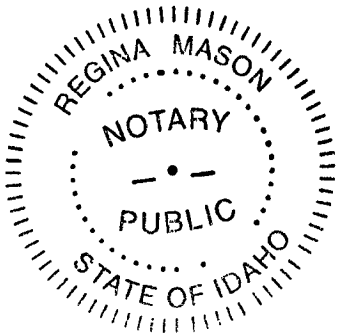
AN ORDINANCE OF DALTON GARDENS, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE CITY CODE OF THE CITY OF DALTON GARDENS, IDAHO, SETTING FORTH AMENDED PROVISIONS FOR THE TIMING, TERMINATION, AND REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE IN THE CITY OF DALTON GARDENS.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 7:00 p.m. on Thursday, November 3, 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 8093
October 19, 2005

MY COMMISSION EXPIRES 6/18/09



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 *Monday* issue of said newspaper for *one* consecutive *day* commencing on the *10* day of *October* 20*05* and ending on the *10* day of *October* 20*05* 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 *10* day of *October* 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.

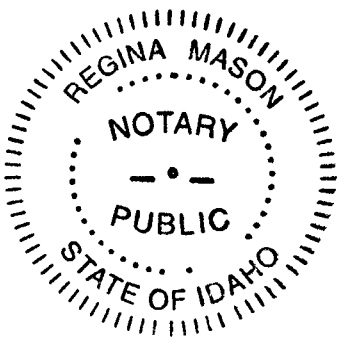
NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS PLANNING & ZONING COMMISSION October 25, 2005

The Dalton Gardens Planning and Zoning Commission will hold a public hearing on October 25, 2005 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE CITY CODE OF THE CITY OF DALTON GARDENS, IDAHO, SETTING FORTH AMENDED PROVISIONS FOR THE TIMING, TERMINATION, AND REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE IN THE CITY OF DALTON GARDENS.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Tuesday, October 25, 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 8058
October 10, 2005



MY COMMISSION EXPIRES 6/18/09