

DOG ORDINANCE NUMBER 182

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING REGULATIONS AND REQUIREMENTS FOR MAINTAINING AND KEEPING OF DOGS.

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: Numbers of Dogs
- Section 6: Dogs in Parks
- Section 7: Commercial Kennel Operations
- Section 8: Violation and Penalty
- Section 9: Severability
- Section 10: Conflicting Ordinance Provisions
- Section 11: Effective Date

SECTION 1: TITLE

This Ordinance shall be known as the DOG ORDINANCE of Dalton Gardens.

SECTION 2: AUTHORITY

This Ordinance is authorized under the provisions of Idaho Code Title 25 Chapter 28.

SECTION 3: PURPOSE:

PURPOSE: The purpose of this chapter shall be to secure and maintain such levels of animal control within the city as to limit the impact of maintaining and keeping dogs within the City so that the keeping of them shall not be offensive to the neighbors of the keeper. ~~It is the purpose of this Chapter to remove the City from those municipalities wherein the County of Kootenai is exercising animal control authority pursuant to Ordinance 66 of Kootenai County, Idaho. It is the intent of the City to grant the authority of animal control to Kootenai County under Kootenai County Code Title 5 Chapter 1 and subsequent amendments.~~

~~In deliberating and passing the provisions of this Chapter, the Mayor and Council have determined that the keeping and maintaining of more than three (3) dogs per family on a lot in the City could result in conduct which is offensive to the senses, creates excessive noise, disturbs the peace and quiet of the neighbors and interferes with the comfortable enjoyment of life. (Ord. 92, 2-2-84)~~

SECTION 4 DEFINITIONS

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

- DOG Any domesticated ~~Canis familiaris~~ or hybrid thereof.
- FAMILY Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises exclusively as one household.
- LOT The parcel of land on which a principal building and its accessory buildings are placed or are to be placed together with the required open spaces or a "lot" designated as such on an officially recorded plat.
- OWNER The person or persons owning, keeping or harboring a dog. (Ord 92, 2-2-84)

SECTION 5 NUMBERS OF DOGS:

It shall be unlawful for any family person to harbor or keep in excess of three (3) dogs on any lot in the City, however, the litter of a female dog may be kept with the dog, and the litter, together with the mother, shall count as one dog until the litter reaches six (6) months of age. (Ord. 92, 2-2-84)

SECTION 6 DOGS IN PARKS:

No owner or keeper of a dog, leashed or unleashed, shall allow or permit such animal to be upon the premises of any City of Dalton Gardens park or arena. This section shall not apply to dogs used for law enforcement purposes or dogs trained and used by sensory impaired or disabled individuals. Special exceptions to this prohibition in the form of organized animal shows, competitions or events may be granted by express written authority of the city council when the use or activity is of general community benefit or of particular benefit to the city. Any such request must be made in writing setting forth the circumstances and control measures which will be in force if animals are permitted within a park. The council may authorize the number of dogs which may be allowed, the control measures which must be employed, and the fees or deposits which may be required to defray costs which the city might incur by virtue of allowing animals in a park or arena. Approval of any such request shall be evidenced by a letter of authorization to that effect which shall be exhibited to any officer of the city upon request.

SECTION 7 COMMERCIAL DOG KENNEL OPERATIONS:

Commercial dog kennel operations are prohibited in the City of Dalton Gardens.

SECTION 8 VIOLATION AND PENALTY:

Any person who shall violate these the provisions of this Chapter shall be guilty of an infraction with a penalty of \$100.00 (one hundred dollars). keep, harbor or maintain more than three (3) dogs on any lot in the City, other than as permitted by Section 7-2-3 hereof, and shall be subject to applicable penalties. in accordance with Section 1-4-1 of this City Code. (Ord. 92, 2-2-84; 1991 Code)

SECTION 9: 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 10: CONFLICTING ORDINANCE PROVISIONS

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

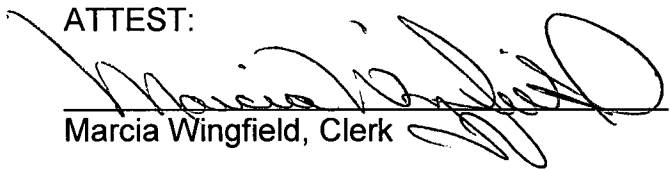
SECTION 11: EFFECTIVE DATE

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 DATE : 6th day of April, 2006.


Dan Franklin, Mayor

ATTEST:


Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Katie Hay being first duly sworn
upon oath deposes and says:

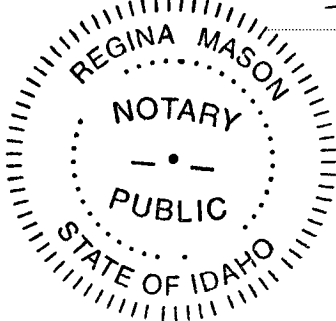
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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 22 day of March 2006, and ending on the 22 day of March 2006, 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. Katie Hay
On this 22 day of March in the year of 2006, before me, a Notary Public, personally appeared Katie 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 6, 2006

The Dalton Gardens City Council will hold a public hearing on April 6, 2006 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING REGULATIONS AND REQUIREMENTS FOR DOG CONTROL.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 7:00 p.m. on Thursday, April 6, 2006. 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 8869
March 22, 2006

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Kattie Hay being first duly sworn
upon oath deposes and says:

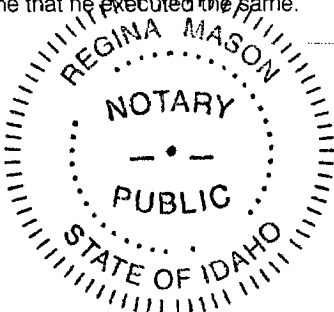
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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 Saturday issue of said newspaper for one consecutive day commencing on the 13 day of May, 2006, and ending on the 13 day of May, 2006, 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 13 day of May in the year of 2006, 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

**CORRECTED
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Dan Franklin, Mayor
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Marcia Wingfield, Clerk