

CITY OF DALTON GARDENS IDAHO
ORDINANCE NO. 190

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY IDAHO, AMENDING TITLE 8, CHAPTER 2 OF THE MUNICIPAL CODE TO PROHIBIT COMMERCIAL VEHICLES FROM TRAVELING OVER CITY STREETS AND ROADS EXCEPT FOR LOCAL DELIVERIES; PROVIDING AN EFFECTIVE DATE HEREOF; PROVIDING FOR A PENALTY; PROVIDING FOR SUSPENSION OF THE RULES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City Council of Dalton Gardens, Kootenai County, Idaho (the "City") is a city operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho and as such is authorized by Idaho Code §49-208(l), to enact ordinances regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic within its municipal boundaries; and

WHEREAS, the City Council has received complaints from its citizens that large commercial vehicles using City streets cause property damage, traffic congestion and health and safety concerns for property owners adjoining these streets and other vehicles and pedestrians using these streets; and

WHEREAS, the City Council is aware that all streets in the City are narrow, without shoulders or curbs, and are used primarily as residential streets providing exclusive access routes for citizens of the community.

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

SECTION 1: That Title 8, Chapter 2 of the Municipal Code be amended as follows:

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:

South Prairie Avenue, from Government Way to Mt. Carrol. (Ord. 162, 5-8-2003)

~~8-2-2: TRUCK ROUTES:~~

- A. ~~Truck Route Established: It is unlawful for any person to drive or operate a motor vehicle, other than street maintenance equipment, exceeding the allowable load per inch width of tire as set forth in Idaho Code 49-1002(1) over any street of the city excepting Prairie Avenue from Government Way to Baillie Street (Ord. 131, 8-4-1994; amd. Ord. 150, 1-6-2000)~~
- B. ~~Additional Routes May Be Established; Signs Posted: The mayor and city council may reduce the size and weight and seed rate permissible by law or ordinance whenever the size and weight and such rate of speed will cause damage by reason of climatic or other conditions or interfere with the safe and efficient use of such streets by the traveling public, by erecting and maintaining signs stating such regulations at each end of such street or sections and at the intersection of the main traveled highways, and it shall be unlawful for any person to drive or operate any vehicle in violation of such regulation.~~
- C. ~~Trip Permits; Fee: Upon application and payment of a fee of five dollars (\$5.00) by the owner or operator of a vehicle seeking authorization to make deliveries to location in the city not accessible by the truck route, the mayor and city clerk are authorized to issue trip permits. This trip permit shall authorize the operator of the vehicle described thereon to make deliveries to locations outside the truck route for one week.~~
- D. ~~Violation and Penalty: It shall be unlawful for any person to violate any provision of this section, and a violation shall be punishable by fine not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days or both such fine and imprisonment. (Ord. 79, 7-3-1980; amd. Ord. 150, 1-6-2000)~~

8-2-2: COMMERCIAL VEHICLES:

- A. It shall be unlawful for any person to operate a commercial vehicle as defined in Idaho Code §49-123(2c) upon the streets and roads in the City of Dalton Gardens except Prairie Avenue from Government Way to Baillie Street. No commercial vehicle in excess of twenty six thousand (26,000) pounds gross weight capacity or licensed capacity shall be allowed to drive, operate or park on any street within the corporate limits other than for the purpose of loading or unloading cargo, except upon Prairie Avenue from Government Way to Baillie Street.
- B. Commercial vehicles making deliveries or transacting other business at property located within the municipal boundaries of the City or property located within 500 feet of the municipal boundaries of the City are exempt from this regulation.
- C. Emergency vehicles, street maintenance equipment, and vehicles which because of inclement road conditions are directed by a public authority or its agents to

utilize alternate routes are exempted from the prohibitory provisions of this chapter.

8-2-3: **LOAD LIMITS:** Whenever the Lakes Highway District declares and establishes load limits on the streets within its jurisdiction, the City shall post the streets within the City with the same limits, and said limits established by Lakes Highway District shall then apply to the streets within Dalton Gardens.

8-2-4: **PENALTY:** Any violation of any of the provisions of this section shall be a misdemeanor offense punishable, as provided for in Idaho Code section 49-1013(2), by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in the county jail not exceeding thirty (30) days, or by a combination of such fine and imprisonment.


SECTION 2: Should any section or provision of this Ordinance be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

~~SECTION 3: Any violation of any of the provisions of this section shall be a misdemeanor offense punishable by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in the county jail not exceeding thirty (30) days, or by a combination of such fine and imprisonment.~~

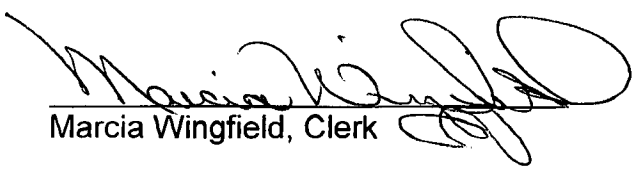
SECTION 3: That all ordinances and parts of ordinances in conflict herewith are repealed.

SECTION 4: That 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.

Passed under suspension of the rules upon a roll call vote taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the City Council held on the 7th day of September, 2006.


Daniel Franklin, Mayor

ATTEST:


Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Amy McCree 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

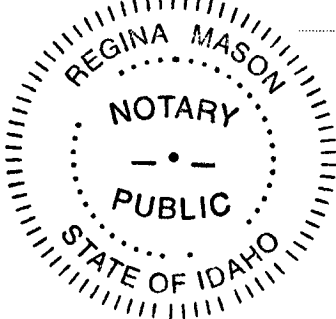
of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for 1 consecutive day commencing on the 15 day of September 2006 and ending on the 15 day of September 2006 and such publication was made as often during said period as said daily newspaper was regularly 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 Amy McCree

On this 15 day of September in the year of 2006, before me, a Notary Public, personally appeared Amy McCree, 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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Amy McCreel

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 1 consecutive day commencing on the 23 day of August 2006, and ending on the 23 day of August 2006 and such publication was made as often during said period as said daily newspaper was regularly issued.

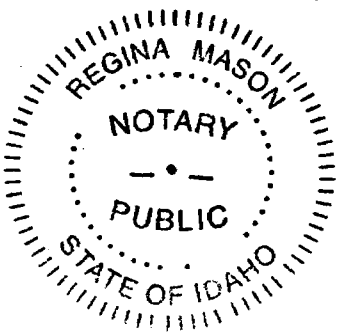
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Amy McCreel

On this 23 day of August in the year 2006, before me, a Notary Public, personally appeared Amy McCreel, 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
DALTON GARDENS CITY COUNCIL
September 7, 2006
The Dalton Gardens City Council will hold a public hearing on September 7, 2006 to hear the following Municipal Code amendment:
AN ORDINANCE OF DALTON GARDENS, IDAHO, KOOTENAI COUNTY, IDAHO, AMENDING TITLE 2 OF THE MUNICIPAL CODE TO PROHIBIT COMMERCIAL VEHICLES FROM TRAVELING OPEN CITY STREETS AND ROADS EXCEPT FOR DELIVERIES AND PICKUPS AND PENALTIES FOR VIOLATIONS.
All interested persons are invited to attend and show cause why any such item should not be adopted. Copies of the amendment 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 requiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3600 at least 48 hours prior to the public hearing.
Attest:

City Clerk
Legal 9719
August 23, 2006