

**AMENDMENTS TO EROSION, SEDIMENTATION CONTROL AND  
STORMWATER AND GENERAL PENALTIES ORDINANCE**

**ORDINANCE NUMBER 196**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 4 CHAPTER 1 TO INCLUDE PROVISIONS, STANDARDS AND REQUIREMENTS FOR SITE DISTURBANCE ON RESIDENTIAL PROPERTIES, AMENDING TITLE 1 CHAPTER 4 TO AMEND THE PENALTY FOR VIOLATIONS OF THE DALTON GARDENS MUNICIPAL CODE, PROVIDING AN EFFECTIVE DATE.

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

- Section 1: Title
- Section 2: Authority
- Section 3: Purpose
- Section 4: Applicability
- 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 the Erosion and Sedimentation Control and Stormwater Management and Amendments to General Penalties of the Dalton Gardens Municipal Code.

**SECTION 2: AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Title 18-113, Title 18-113A, Title 42-3601, Title 67-6511, Title 67-6512 and Title 67-6527.

**SECTION 3: PURPOSE:**

The purpose of these amendments is to protect the environmental integrity of the Rathdrum Prairie Sole Source Aquifer by providing increased site disturbance standards for residential properties within the corporate limits of Dalton Gardens and to provide for penalties for violating the municipal code as delineated in Idaho Code.

**SECTION 4: APPLICABILITY**

All properties within Dalton Gardens Idaho.

## SECTION 5 AMENDMENTS TO TITLE 1 GENERAL PENALTIES AND TITLE 4 SITE DISTURBANCE

### **Title 4 chapter 3 Section 5 A 10 A Exemptions to Permits**

10. Grading, excavating and placement of fill on a residential site that has less than a six percent (6%) slopes, and is more than five hundred feet (500') from surface water as defined by this chapter, and that results in a total disturbance of less than a total of 15 cubic yards. less than one acres or less than one third (1/3) of the parcel, whichever is smaller. For example and clarification, a full size pick-up truck can carry 2 cubic yards. A small single axel dump truck can carry 5 cubic yards. A large dump truck can carry 10-15 yards. As part of the building permit application, the contractor or property owner shall provide an affidavit indicating the amount in cubic yards that shall be disturbed on the site.

### **Title 4 Chapter 3 Section 5 B Permit Required.**

1. Construction of all new driveways, private or public roads, improvements of existing driveways, private or public roads, or infrastructure authorized through the building permit, subdivision, short plat, variance or special use permit process;
5. All site disturbance or construction activity resulting in the disturbance of more than 15 cubic yards of a residential lot. one acre or more;

### **Title 1 Chapter 4 Section 1 General Penalties**

1-4-1: GENERAL PENALTY: Any person convicted of a violation of any section or provision of this City code, where no other penalty is set forth, shall be punished as follows: by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for any offense or by a fine not to exceed one hundred dollars (\$100.00 and no imprisonment when the offense is designated as an infraction by State law or by any section or provision of this city Code. Violations of the Municipal Code may be considered a criminal misdemeanor or an infraction and are punishable with fines or imprisonment. The City may also take civil action to compel compliance or performance.

PUNISHMENT FOR MISDEMEANOR. Every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or by both. The City may also take civil action to compel compliance of requirements or performance and completion of, or maintenance of, improvements installed pursuant to this Ordinance.

PUNISHMENT FOR INFRACTION. Every offense declared to be an infraction is punishable only by a penalty not exceeding one hundred dollars (\$100) and no imprisonment. The City may also take civil action to compel compliance of requirements or performance and completion of, or maintenance of, improvements installed pursuant to this Ordinance.

**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.

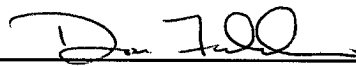
**SECTION 7: CONFLICTING ORDINANCE PROVISIONS**

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 3<sup>rd</sup> day of April, 2008.

  
\_\_\_\_\_  
Dan Franklin, Mayor, Dalton Gardens

ATTEST:

  
\_\_\_\_\_  
Marcia Wingfield, City Clerk

# AFFIDAVIT OF PUBLICATION

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

Molly Stum

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 week commencing on the 14 day of April, 2008, and ending on the 14 day of April, 2008, and such publication was made as often during said period as said daily newspaper was regularly issued.

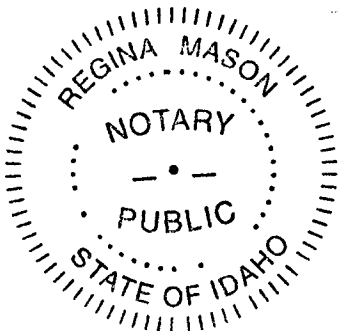
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Molly Stum

On this 14 day of April in the year of 2008, before me, a Notary Public, personally appeared Molly Stum, 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.

molly stern 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 week commencing on the 19<sup>th</sup> day of march, 2008, and ending on the 19<sup>th</sup> day of march, 2008, 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. molly stern  
On this 19 day of march in the year of 2008 before me, a Notary Public, personally appeared molly stern, 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, Idaho  
Amendments to Site Disturbance Regulations  
April 3, 2008  
7:00 p.m.

The Dalton Gardens City Council will take public testimony on amendments to Title 4 Chapter 3 Sections A and B of the Dalton Gardens Municipal Code. These amendments will clarify and add to the applicability, standards and requirements for grading, erosion control and site disturbance on residential properties in Dalton Gardens. The public hearing will be held on April 3, 2008, 7:00 p.m. at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens Idaho. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the draft ordinance can be acquired by accessing the City website ([www.daltongardens.com](http://www.daltongardens.com)) or contacting the City Clerk during office hours (Monday through Friday 9 a.m. to 5 p.m.) 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 2282  
March 19, 2008

