

ORDINANCE NO 212

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 7, CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF DALTON GARDENS, IDAHO ESTABLISHING THE AUTHORITY AND STANDARDS TO REGULATE ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF DALTON GARDENS.

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

SECTION 1: AMENDMENTS: Title 7 of the Dalton Gardens Municipal Code shall be amended as follows:

Chapter 2
DOGS

7-2-1: TITLE:

This chapter shall be known as the DOG-ANIMAL CONTROL ORDINANCE of Dalton Gardens. (~~Ord. 182, 4-6-2006~~)

7-2-2: AUTHORITY:

This chapter is authorized under the provisions of Idaho Code title 25 and all applicable chapters including but not limited to Chapter 28 and Chapter 35.

7-2-3: PURPOSE:

The purpose of this chapter shall be to secure and maintain such levels of animal control within the incorporated areas of the city for the purpose to the greatest degree practicable to prevent injury to persons and property. To this end, it is the purpose of this chapter to adopt Title 5 Chapter 1 Section 1 through Title 5 Chapter 1 Section 13 and Title 5 Chapter 1 B 1 through Title 5 Chapter 1 B 6 of the Kootenai County Code to provide a means of licensing certain animals and controlling errant animal behavior so that it shall not become a public nuisance.

~~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 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. (Ord. 182, 4-6-2006)~~

7-2-4: DEFINITIONS:

~~When used in this chapter, the following words and terms shall have the usage ascribed~~

to them in this section:

~~DOG: Any 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. 182, 4-6-2006)~~

7-2-5: NUMBERS OF DOGS:

~~It shall be unlawful for any family 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. 182, 4-6-2006)~~

7-2-3: APPOINTMENT OF ANIMAL CONTROL OFFICER:

The City hereby enables the Kootenai County Sheriff's Department as the official empowered to enforce the provisions of this chapter.

The Sheriff's Department or City designee shall have the power and responsibility to render interpretations of the adopted codes and enforce rules and supplemental regulations in order to clarify the application of their provisions.

One copy of each standardized code adopted herein shall be duly filed for use by the public at city hall.

7-2-4: ADOPTION OF CODES:

Dalton Gardens hereby adopts the following codes and standards and shall enforce them with regard to all animal control in the incorporated areas of Dalton Gardens.

- A. KOOTENAI COUNTY CODE Title 5, Chapter 1 Section 1 through Section 13
- B. KOOTENAI COUNTY CODE Title 5 Chapter 1 Article B 1 through B 6.

In addition to the above delineated code, the City in conjunction with the Kootenai County Sheriff's Department shall regulate:

7-2-6:

C. 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 with the exception of the Dalton Gardens 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. 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. (~~Ord. 182, 4-6-2006~~)

~~7-2-7:~~

D. COMMERCIAL DOG KENNEL OPERATIONS:

Commercial dog kennel operations are prohibited within the corporate limits of Dalton Gardens as defined in Kootenai County Code Title 5 Chapter 1 Section 3.

E. NUMBERS OF DOGS:

It shall be unlawful for any family 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. 182, 4-6-2006~~)

~~7-2-5: VIOLATION AND PENALTY:~~

~~Any person who shall violate the provisions of this chapter shall be guilty of an infraction with a penalty of one hundred dollars (\$100.00).~~

SECTION 3: 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.

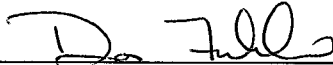
SECTION 4: CONFLICTING ORDINANCE PROVISIONS

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

SECTION 5: EFFECTIVE DATE

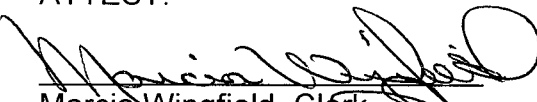
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this 6th day of January ,2011.



Dan Franklin, Mayor

ATTEST:



Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Hydrene Farmer 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

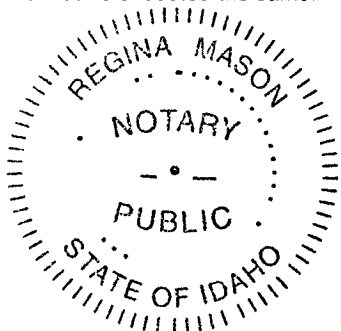
Wagon Notice

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 10 day of January, 2011, and ending on the 10 day of January, 2011, 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.

On this 10 day of January, in the year of 2011, before me, a Notary Public, personally appeared Hydrene Farmer, 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 6/18/15

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING
CITY OF DALTON GARDENS
CITY COUNCIL

January 6, 2011

The Dalton Gardens City Council will hold a public hearing on January 6, 2011 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING THE AUTHORITY AND STANDARDS TO REGULATE ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF DALTON GARDENS.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Thursday, January 6, 2011. 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 1643
December 22, 2010

STATE OF IDAHO,
County of Kootenai,

ss.

Mylene Famer 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.

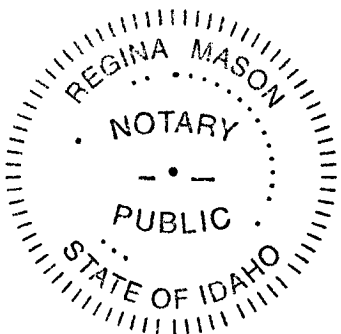
3. The Legal Notice

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 22 day of December, 2010 and ending on the 22 day of December, 2010, 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. On this 22 day of December in the year of 2010, before me, a Notary Public, personally appeared Mylene Famer, 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 6/18/15



DOLAN & JACOBSEN
ATTORNEYS AT LAW
LIBERTY BUILDING
118 N. 7TH ST. - P.O. BOX 1116
COEUR D'ALENE, IDAHO 83816-1116

January 6, 2011

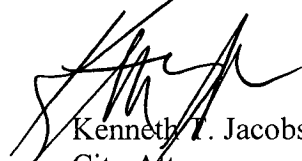
City of Dalton Gardens
Attn: Marcia Wingfield, City Clerk
6360 N.4th Street
Dalton Gardens, ID 83815

RE: Ordinance 212

Dear Marcia:

Pursuant to Idaho Code § 50-901A, this letter is to certify that the summary of Ordinance No. 212, ANIMAL CONTROL ORDINANCE, is true and complete and provides adequate notice to the Public of the contents of said Ordinance.

Very truly yours,


Kenneth T. Jacobsen
City Attorney

KTJ/rs