

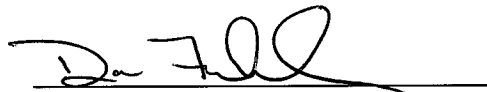
SUMMARY OF
CITY OF DALTON GARDENS, IDAHO
ORDINANCE NO. 244

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 7, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF DALTON GARDENS, IDAHO, DEFINING NUISANCES ON REAL PROPERTIES IN THE RESIDENTIAL ZONING DISTRICT, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

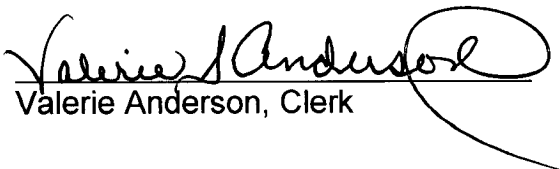
In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 244 of the City of Dalton Gardens, Idaho:

1. Ordinance 244 is an ordinance defining nuisances on real property in the residential zoning district.
2. The Ordinance prohibits a nuisance, provides for abatement and when necessary penalties for violation thereof
3. The ordinance defines what constitutes a nuisance on real properties in the residential zoning district.
4. The Ordinance further defines whom may enforce the provisions.
5. The Ordinance further sets forth that the City shall not issue building or business permits or licenses until a nuisance is resolved or abated.
6. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.
7. The full text of Ordinance 244 is available at the Dalton Gardens City Hall.

DATED this 23 day of December, 2015.


Daniel Franklin, Mayor

ATTEST:


Valerie Anderson, Clerk

ORDINANCE No. 244

**ADDITION TO TITLE SEVEN OF THE DALTON GARDENS
MUNICIPAL CODE**

AN ORDINANCE OF THE CITY OF DALTON GARDENS IDAHO,
DEFINING NUISANCES ON REAL PROPERTIES IN THE RESIDENTIAL
ZONING DISTRICT, PROHIBITING THEIR CREATION OR MAINTENANCE
AND PROVIDING FOR ABATEMEMNT AND PENALTIES FOR VIOLATION
THEREOF.

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

SECTION 1: Title 7, Chapter 8 of the Dalton Gardens Municipal Code is hereby added:

7-8A-1: FINDINGS:

The city council of the city of Dalton Gardens does hereby find that it is necessary to provide for the abatement of nuisances on real properties in the residential zoning district including those which have a detrimental effect on the health, safety and welfare of the citizens of Dalton Gardens, Idaho, specifically this addresses such issues which are hazardous or injurious to the health, safety or welfare of the general public, and have the potential of harboring insects and attracting vermin and therefore, are hereby declared to be a nuisance. The city council also finds that any condition or use of real property which is detrimental to the normal use and enjoyment of adjacent and surrounding real property can be declared a nuisance.

7-8A-2: DEFINITIONS:

ABATEMENT: For purposes of this article, the ending or resolution of a nuisance complaint or violation.

CHRONIC NUISANCE PROPERTY: Property on which three (3) or more unresolved substantiated nuisance violations occur or exist during a consecutive one year (365 day) period.

CONSIDERABLE NUMBER OF PERSONS: More than five (5) individuals.

GARBAGE: Any spoiled or waste food, whether the same be for animal or human consumption, which results from either the handling, preparation, cooking, consumption or disposal of such food.

IMMINENT NUISANCE: Immediate or imminent threat to the public health and safety as determined by law enforcement or fire district.

LITTER: Garbage, trash, refuse, rubbish, sand, gravel, slag, bric-a-brac, waste material, tin cans, trash, debris, dead animals, dead trees, weeds, junk vehicles or parts from junk vehicles, or discarded items or materials of any kind of description which have been set in a disorderly state which would tend to create a danger to the public health, safety, and welfare of the citizens of this county.

NUISANCE: Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property by an entire community or neighborhood, or by any considerable number of persons.

REFUSE: Anything that is thrown away or rejected as worthless or useless such as trash, rubbish, garbage, including any solid waste and any property held for salvage purposes.

RUBBISH: Any solid waste which is not susceptible to becoming putrid and consists of such things as paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding (coverings for beds and furniture), crockery and similar materials which are rejected or thrown away as worthless.

7-8A-3: NUISANCES ON REAL PROPERTIES IN THE RESIDENTIAL DISTRICT:

A. The following are hereby declared to be nuisances if the health and safety of the public is affected or there is substantial reduction of property values of adjoining properties. Whoever by his/her act or failure to perform does any of the following is guilty of creating or maintaining a nuisance. The determination of a nuisance shall be made by the city, which includes, but is not limited to, city employees, agents, or elected officials.

1. Accumulations of litter, trash, rubbish, garbage, packing material, plastic, tires, or any other unused or abandoned items in which flies, mosquitoes, disease

carrying insects, rats or other vermin can breed, live, nest or seek shelter or failure to keep that waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purposes;

2. Accumulations of dismantled, dilapidated or broken appliances and all unsecured appliances with doors that latch that are easily accessible to children or pets;

3. Any accumulation of hazardous or chemical/biological materials (paints, corrosives or flammable liquids) not properly stored or discharged into the environment or found in such concentrations as to endanger the public;

4. Accumulation of carcasses of animals, birds or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within twenty four (24) hours after death or as required by the state of Idaho;

5. Accumulations of excrement from humans or domestic animals including dogs and cats which is stored in quantities that create extreme noxious odor perceptible at property line;

6. Any condition or situation as determined by the city building inspector or state health official which renders a structure or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy;

7. Accumulation and/or storage of abandoned or inoperable vehicles or parts on private or public property that endangers the health and safety of persons as delineated in title 8, chapter 3 of this code; and

8. Accumulations of noxious weeds or unkempt landscaping that constitute a fire hazard as deemed in the international fire code.

7-8A-4: ENFORCEMENT:

A. Upon receipt of a complaint of a nuisance from the public or city employees, agents, or elected officials, the city shall investigate and make a determination whether or not there is validity to the complaint.

B. Except as otherwise provided herein, the provisions of this chapter shall be enforced by city employees, agents, or elected officials. In the enforcement of this chapter such persons may enter upon private property with the permission

of the property owner or public property to examine the property, to obtain information related to the health and safety threat because of the condition of the property. If permission by the property owner is not granted to enter onto the property, then the city or its designee, including the Kootenai County sheriff's department, may obtain a court order or warrant to enter the premises for inspection purposes.

- C. Upon a valid determination of a nuisance by the city, the abatement of all such aforementioned nuisances may be ordered by the city as herein provided. It shall be the duty of the city to enforce the provisions of this article; however, the first choice of the city shall always be to pursue informal negotiations prior to issuing an infraction or civil and criminal penalties. The city is authorized to enforce the provisions of this article through education, negotiation and may issue notification of nuisance violations; issue orders for abatement; issue citations for violations, and do what is necessary to abate nuisances, which also includes, but is not limited to, civil action and recovery of any costs associated with enforcement.
- D. The city shall not issue building or business permits or licenses of any kind until the nuisance is resolved or abated and the use of the land shall conform in all respects to this code. Exceptions for permits will be allowed only to resolve or rectify the nuisance.

7-8A-5: PENALTIES:

Once the determination has been made by the city that there is a nuisance violation as delineated in section 7-8A-4 of this article and documented efforts have been made by the city to enforce this article through education, negotiation and ultimately a formal declaration of a nuisance by the city council, and the owners, tenants or occupants continue to allow said nuisance to exist or fail to abate the nuisance, they and each of them shall be guilty of an infraction under title 1, chapter 4 of this code and upon being found liable thereof shall be subject to an infraction penalty of one hundred dollars (\$100.00). Each day that a violation of this chapter exists may be charged as a separate infraction or misdemeanor violation, as appropriate and determined by the city.

Any nuisance, which is in violation of this chapter and which constitutes an immediate hazard to the public health and safety; or which continues to exist after a finding of guilt in three (3) or more prior infraction proceedings by the City

Council will be deemed a chronic nuisance, which may constitute a criminal misdemeanor and subject the violator to misdemeanor penalties under Title 1 Chapter 4. In addition, the violator may face civil penalties as delineated in Title 1 Chapter 4, including all court costs, and any assessments or liens.

SECTION 2: SEVERABILITY

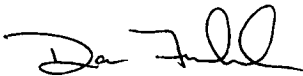
Every section, provision, or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

SECTION 3: CONFLICTING ORDINANCE REPEALED

All ordinances and parts of ordinances that conflict herewith are hereby repealed.

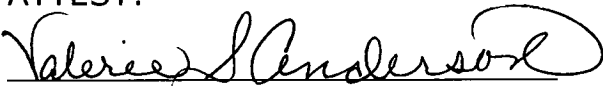
SECTION 4: EFFECTIVE DATE

The Clerk shall cause this ordinance to be published once in the official newspaper. This ordinance shall take effect and be in force on the date after its publication.



Dan Franklin, Mayor

ATTEST:



Valerie Anderson, City Clerk

KENNETH T. JACOBSEN
ATTORNEY AT LAW
P.O. BOX 1116
COEUR D'ALENE, IDAHO 83816-1116
(208) 664-8258

December 8, 2015


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

RE: Ordinance 244

Dear Valerie:

Pursuant to Idaho Code § 50-901A, this letter is to certify that the summary of Ordinance No. 244, defining NUISANCES, 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/mc

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING
TITLE 7 CHAPTER 1
FIREARMS
CITY OF DALTON GARDENS
CITY COUNCIL
December 3 2015 - 6:00 p.m.

The Dalton Gardens City Council will hold a public hearing on the following Municipal Code amendment: An Ordinance of the City of Dalton Gardens, Idaho providing definitions, standards for discharge of firearms and the prohibition of hunting in the City, prohibited acts, violations and penalties, providing for severability, conflicting ordinances and an effective date. The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Thursday, December 3, 2015. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. A copy of the draft amendment is available online for review and printing at www.daltongardens.com or can be obtained at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Thursday, Friday 9:00 a.m. to 4:00 p.m.). Questions regarding this draft should be directed to Cheri Howell at daltongardenslandplanner@gmail.com or 208-640-9530. Written comments on the draft may be taken to City Hall up to the day of the hearing. 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.

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

Holly Fredericks 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

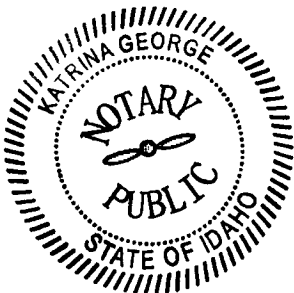
of which the annexed is a printed copy, was published in the regular wednesday issue of said newspaper for one consecutive week commencing on the 18 day of November 20 15, and ending on the 18 day of November 20 15, and such publication was made as often during said period as said daily newspaper was 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 Holly Fredericks. On this 18 day of November in the year of 2015, before me, a Notary Public, personally appeared Holly Fredericks, 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.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

Attest:
Valerie Anderson
City Clerk

LEGAL 4661
NOVEMBER 18, 2015



MY COMMISSION EXPIRES 8/29/17

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING
TITLE 7 CHAPTER 1
FIREARMS
CITY OF DALTON GARDENS
CITY COUNCIL
November 5, 2015 6:00 p.m.

STATE OF IDAHO,
County of Kootenai, } ss.

The Dalton Gardens City Council will hold a public hearing on the following Municipal Code amendment: An Ordinance of the City of Dalton Gardens, Idaho providing definitions, standards for discharge of firearms, non-lethal projectiles and archery and prohibits hunting in the City, prohibited acts, violations and penalties, providing for severability, conflicting ordinances and an effective date. The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Thursday, November 5, 2015. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. A copy of the draft amendment is available online for review and printing at www.daltongardens.com or can be obtained at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Thursday, Friday 9:00 a.m. to 4:00 p.m.). Questions regarding this draft should be directed to Cheri Howell at daltongardenslandplanner@gmail.com or 208-640-9530. Written comments on the draft may be taken to City Hall up to the day of the hearing. 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.

Holly Fredericks 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

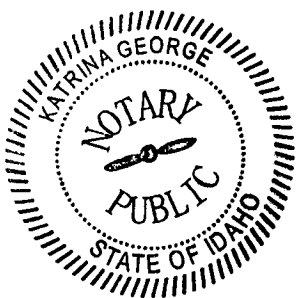
of which the annexed is a printed copy, was published in the regular Tuesday issue of said newspaper for one consecutive week commencing on the 26 day of October 2015, and ending on the 20 day of October 2015, and such publication was made as often during said period as said daily newspaper was regularly 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 Holly Fredericks. On this 20 day of October in the year of 2015, before me, a Notary Public, personally appeared Holly Fredericks, 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.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

Attest: Valerie Anderson, City Clerk

LEGAL 4496
OCTOBER 20, 2015



MY COMMISSION EXPIRES 8/29/17

AFFIDAVIT OF PUBLICATION

SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 244

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

Holly Fredericks 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.

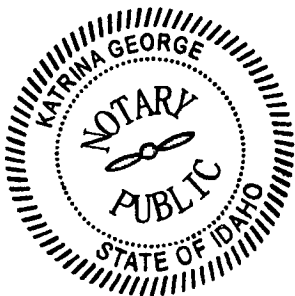
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

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 week commencing on the 14 day of December 20 15 and ending on the 14 day of December 20 15, 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 Holly Fredericks. On this 14 day of December in the year of 2015, before me, a Notary Public, personally appeared Holly Fredericks, 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.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 7, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF DALTON GARDENS, IDAHO, DEFINING NUISANCES ON REAL PROPERTIES IN THE RESIDENTIAL ZONING DISTRICT, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 244 of the City of Dalton Gardens, Idaho:

1. Ordinance 244 is an ordinance defining nuisances on real property in the residential zoning district.

2. The Ordinance prohibits a nuisance, provides for abatement and when necessary penalties for violation thereof

3. The ordinance defines what constitutes a nuisance on real properties in the residential zoning district.

4. The Ordinance further defines whom may enforce the provisions.

5. The Ordinance further sets forth that the City shall not issue building or business permits or licenses until a nuisance is resolved or abated.

6. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.

7. The full text of Ordinance 244 is available at the Dalton Gardens City Hall.

DATED this 3 day of December, 2015.

Daniel Franklin, Mayor

ATTEST:

Valerie Anderson, Clerk