

ORDINANCE NO. 245
AMENDMENT TO TITLE SEVEN OF THE DALTON GARDENS MUNICIPAL CODE

AN ORDINANCE OF THE CITY OF DALTON GARDENS IDAHO, AMENDING TITLE 7
CHAPTER 1 OF THE DALTON GARDENS MUNICIPAL CODE, PROVIDING
DEFINITIONS, STANDARDS FOR DISCHARGE OF FIREARMS, AND PROHIBITING
HUNTING IN THE CITY, PROHIBITED ACTS, VIOLATIONS AND PENALTIES,
PROVIDING FOR SEVERABILITY, CONFLICTING ORDINANCES AND AN
EFFECTIVE DATE.

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

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

7-1-1: FIREWORKS:

It shall be unlawful to possess, sell, give away or discharge any fireworks as defined in sections 39-2607, 39-2608, 39-2609 and 39-2610 of the Idaho Code within the Municipal limits of the City.

7-1-2: DISCHARGE OF FIREARMS:

A. Definition:

Whenever the term "firearms" is used in this Section, said term shall mean any instrument used in the propulsion of shot, pellets, bullets or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs, excluding what are commonly known as air rifles and BB guns.

B. Discharge Of Firearms Prohibited: It shall be unlawful for any person to discharge firearms within the limits of the Municipality.

C. Exceptions: This Section shall not apply to:

1. Peace officers in the discharge of their duties;
2. A person may discharge a firearm on properties that are zoned to allow agricultural use if discharge of the firearm is for the purpose of slaughtering animals raised on the property for the purpose of human consumption and the person discharging the firearm complies with the following conditions:
 - a. The discharge of the firearm is aimed away from persons, vehicles, roadways, buildings constructed for human occupancy, and other animals; and
 - b. The person discharging the firearm provides prior notice to the applicable law enforcement agency for the city (Kootenai County Sheriff).

3. A person discharging a firearm in the lawful defense of person or persons or property.

7-1-3: HUNTING PROHIBITED:

It is prohibited and shall be a misdemeanor for any person to hunt wildlife in Dalton Gardens. Hunting as defined by Idaho Fish and Game means chasing, driving, flushing, attracting, pursuing, worrying, following or on the trail of, shooting at, stalking, or lying in wait for any wildlife whether or not such wildlife is then subsequently captured, killed, taken or wounded. Nothing herein shall prohibit the stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of observing or photographing that wildlife.

7-1-4: PENALTY:

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be subject to penalties in accordance with Section 1-4-1 of this Code.

SECTION 2: SEVERABILITY

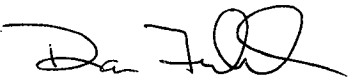
Every section, provision, or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

SECTION 2: CONFLICTING ORDINANCE REPEALED

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

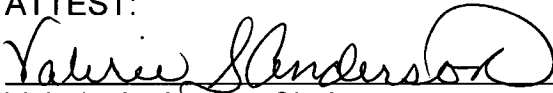
SECTION 3: EFFECTIVE DATE

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



Dan Franklin, Mayor

ATTEST:



Valerie Anderson, Clerk

AFFIDAVIT OF PUBLICATION

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.

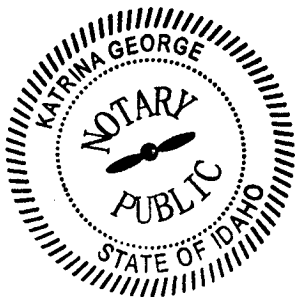
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

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 2015, and ending on the 14 day of December 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 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

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SEVEN OF THE DALTON
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AN ORDINANCE OF THE CITY
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IDAHO, AMENDING TITLE 7
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STANDARDS FOR
DISCHARGE OF FIREARMS,
AND PROHIBITING
HUNTING IN THE CITY,
PROHIBITED ACTS,
VIOLATIONS AND
PENALTIES, PROVIDING FOR
SEVERABILITY.

CONFLICTING ORDINANCES
AND AN EFFECTIVE DATE.

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and City Council of Dalton
Gardens, Idaho:

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39-2607, 39-2608, 39-2609 and
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by the action of gunpowder
exploded within it, or by the
action of compressed air within
it, or by the power of springs,
excluding what are commonly
known as air rifles and BB guns.

B. Discharge Of Firearms

Prohibited: It shall be unlawful
for any person to discharge
firearms within the limits of the
Municipality.

C. Exceptions: This Section shall
not apply to:

1. Peace officers in the discharge
of their duties;

2. A person may discharge a
firearm on properties that are
zoned to allow agricultural use if
discharge of the firearm is for
the purpose of slaughtering
animals raised on the property
for the purpose of human
consumption and the person
discharging the firearm complies
with the following conditions:

a. The discharge of the firearm
is aimed away from persons,
vehicles, roadways, buildings
constructed for human
occupancy, and other animals;
and

b. The person discharging the
firearm provides prior notice to
the applicable law enforcement
agency for the city (Kootenai
County Sheriff).

3. A person discharging a
firearm in the lawful defense of
person or persons or property.

7-1-3: HUNTING PROHIBITED:

It is prohibited and shall be a
misdemeanor for any person to
hunt wildlife in Dalton Gardens.
Hunting as defined by Idaho
Fish and Game means chasing,
driving, flushing, attracting,
pursuing, worrying, following or
on the trail of, shooting at,
stalking, or lying in wait for any
wildlife whether or not such
wildlife is then subsequently
captured, killed, taken or
wounded. Nothing herein shall
prohibit the stalking, attracting,
searching for or lying in wait for
any wildlife by an unarmed
person solely for the purpose of
observing or photographing that
wildlife.

7-1-4: PENALTY:

Any person violating any of the
provisions of this Chapter shall
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Every section, provision, or part
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hereof shall be held invalid, it
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Dan Franklin, Mayor

ATTEST:

Valerie Anderson, Clerk