

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. 247

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1 CHAPTERS 4 AND 9 AND ADDING CHAPTER 10, ADDING DEFINITIONS AND STANDARDS FOR ADMINISTRATION OF THE DALTON GARDENS MUNICIPAL CODE IN DALTON GARDENS IDAHO, PROVIDING SEVERABILITY, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

Title 1 Chapter 4: GENERAL PENALTY

1-4-1: GENERAL PENALTY:

1-4-2: APPLICATION OF PROVISIONS:

1-4-3: LIABILITY OF OFFICERS:

1-4-1: GENERAL PENALTY:

Any person convicted of a violation of any section or provision of this code, where no other penalty is set forth, shall be punished as follows. Violations of this 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.

A. 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 (\$1,000.00), 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 section.

B. Punishment For Infraction: Every offense declared to be an infraction is punishable only by a penalty not exceeding one hundred dollars (\$100.00) 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 section. (Ord. 196, 4-3-2008)

C. Penalties and remedies for Building Code Violations are delineated in Title 4 Chapter 11 Section 1 of the Dalton Gardens Municipal Code.

1-4-2: APPLICATION OF PROVISIONS:

Applicants have the burden of proof for compliance of the Dalton Gardens Municipal Code. No applications for any permits or licenses shall be reviewed or approved by the City if there is a existing, valid violation of the Dalton Gardens Municipal Code, unless

the permit or license is to resolve the existing violation. The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section unless otherwise indicated. Any person convicted of a violation of any section of this code where a duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of either a misdemeanor or an infraction. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (1991 Code)

1-4-3: ~~LIABILITY OF OFFICERS~~ INDIVIDUAL LIABILITY:

~~No provisions of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1991 Code)~~ Individual Liability: No commission or city council member, the mayor or any city employee or contractor who acts in good faith and without malice in a role established by this title shall be held liable for errors or omissions in its administration. Any suit brought against such an individual shall be defended by the city, and any judgment resulting from such a suit shall be a liability of the city.

Title 1 Chapter 9: CODE ENFORCEMENT OFFICER

1-9-1: OFFICER DEFINED:

- A. The Code Enforcement Officer is a person designated by the City with the authority to conduct inspections as requested for Municipal Code compliance, investigate complaints and potential violations of the City ordinances, document inspections to determine the validity of complaints, document conditions, gather information, and work closely with the Clerk, City Attorney and Planning Administrator to assist the public in resolution of violations.
- B. The Code Enforcement Officer maintains records of inspections and enforcement of efforts; research and compile data for each case; prepare required documentation and photos for legal actions; if requested, testify in court proceedings regarding code violations, perform follow-up actions as needed to gain compliance.

Title 1 Chapter 10: PLANNING ADMINISTRATOR

1-10-1: PLANNING ADMINISTRATOR DEFINED

- A. The Planning Administrator is a person designated by the City with the authority to conduct long and short range planning activities, including but not limited to Comprehensive Planning, assisting the public in understanding the applicability and requirements of the Municipal Code, review permit applications, site plans, stormwater applications and plans, interpret the Municipal Code and approve or disapprove such applications, prepare reports on zoning applications.
- B. The Planning Administrator assists the Clerk, Commission and City Council in setting meeting agendas and provide proper notice of public hearings required by this Code, issue orders and certificates of compliance based on site inspections, enforce the provisions of permits, licenses and development agreements and assist the Code Enforcement Officer to investigate and resolve possible violations of this Code.

SECTION 2. SEVERABILITY.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall be enforced.

SECTION 3. PUBLICATION

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this

day of _____

STEVE ROBERGE, Mayor

ATTEST:

my copy

NOTICE OF PUBLIC HEARING
MUNICIPAL CODE AMENDMENT
AMENDING TITLE 1 CHAPTERS 4, 9
ADDING TITLE 1 CHAPTER 10
JULY 7, 2016: 6 P.M.
DALTON GARDENS CITY COUNCIL

The Dalton Gardens City Council will conduct a review of the Dalton Gardens Municipal Code and take public testimony to consider the following amendments to Title 1 Administrative:

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1 CHAPTERS 4 AND 9 AND ADDING CHAPTER 10, ADDING DEFINITIONS AND STANDARDS FOR ADMINISTRATION OF THE DALTON GARDENS MUNICIPAL CODE IN DALTON GARDENS IDAHO, PROVIDING SEVERABILITY, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Thursday July 7 2016. 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.govoffice.com under the "Draft Ordinances" link 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 city planner, Cheri Howell at 208-640-9530 or emailed to daltongardenslandplanner@gmail.com. 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.

Attest:

Valerie Anderson

City Clerk

Publish: CDA Press

Date: Tuesday June 21 2016

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

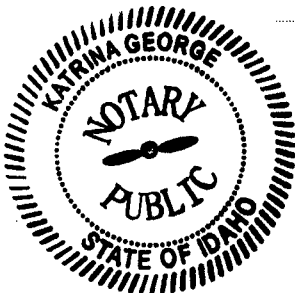
of which the annexed is a printed copy, was published in the regular Thurs issue of said newspaper for 1 consecutive week commencing on the 14 day of July 2016, and ending on the 14 day of July 2016, and such publication was made as often during said period as said daily newspaper was regularly issued.

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 July in the year of 2016, 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

SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 247

In accordance with Idaho Code 50-901A, the following is a Summary of Ordinance 247 of the City of Dalton Gardens, Idaho:

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 1, CHAPTER 4 AND 9 REGARDING PENALTIES FOR BUILDING CODE VIOLATIONS, THE EFFECT OF HAVING VIOLATIONS WHEN APPLICATIONS ARE MADE AND ADDING CHAPTER 10 DEFINING CODE ENFORCEMENT OFFICER AND PLANNING ADMINISTRATION AND ADDING DEFINITIONS AND STANDARDS FOR ADMINISTRATION OF THE DALTON GARDENS MUNICIPAL CODE IN DALTON GARDENS, IDAHO, PROVIDING SEVERABILITY, REPEALING CONFLICTING ORDINANCES AND PROVIDING EFFECTIVE DATE.

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

The full text of Ordinance 247 is available at the Dalton Gardens City Hall.

Dated this 8th day of July 2016.
Steve Roberge, Mayor
Valerie S. Anderson, Clerk

LEGAL 5904
JULY 14, 2016