

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. 255

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 9 CHAPTER 1 SECTION 4 TO REMOVE THE REFERENCE TO PARKS FROM THE SECTION REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES; AMENDING TITLE 9 TO ADD CHAPTER 2 TO ADDRESS RESTRICTIONS ON THE USE OF CITY PARKS AND MAKE PROVISIONS FOR RESERVATION OF PARK FACILITIES; PROVIDING SEVERABILITY, REPEALING CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: AMEND TITLE 9, CHAPTER 1, SECTION 4

9-1-4: BEER, WINE OR LIQUOR PROHIBITED IN PARKS, VEHICLES:

It is unlawful for any person to consume any beer, wine or intoxicating liquor or have in his possession any opened or open containers or receptacles containing beer, wine or intoxicating liquor ~~in any public park within the city or~~ in any motor vehicle moving or parked on a public thoroughfare, street or highway in the city.

SECTION 2: ADD NEW CHAPTER 2 TO TITLE 9

CHAPTER 2: PUBLIC PARKS

9-2-1 USE RESTRICTIONS

9-2-2 RESERVED AREAS

9-2-1: USE RESTRICTIONS:

A. Hours. It is unlawful for any person to park a motor vehicle, use any equipment, facilities, accessories, or appliances for camping purposes, sleeping, or preparing meals, in Ward Newcomb Memorial Park between 10:00 p.m. and 7:00 a.m., or at the Dalton Gardens Riding Arena from sunset to 7:00 a.m. Special exceptions to this prohibition may be granted by express authority of the city council when the use or activity is of general community benefit or of particular benefit to the city. Approval of any such exception shall be evidenced by a permit or letter of authorization to that effect which shall be exhibited to any peace officer or employee of the city upon request. Appeal of any denial of such a request may be made to the city council.

B. Alcoholic Beverages.

1. It is unlawful for any person to have in his or her possession open containers or receptacles of beer, intoxicating liquor or wine, or to consume such beverages on the grounds, buildings or thoroughfares or within a motor vehicle moving or parked within any city park or upon other premises owned or subject to exclusive management by the city of Dalton Gardens, except as otherwise authorized by a permit approved by the city council to dispense and consume alcoholic beverages in designated city park areas or other designated public places. Such permit may place reasonable restrictions on the time, location and other parameters. The permit issued by the City shall be posted at the site at all times during the event where alcohol is permitted. Such permit is granted only so long as the conduct engaged in at the site, and in the park generally, conforms to standards which do not cause inconvenience to or disturb the peace of others. The authorization for use of alcohol may be revoked by a peace officer or by an employee of the city for cause, in which case such permission shall be deemed terminated immediately and the consumption and possession of alcohol shall be concluded upon order of said peace officer or city employee. Consumption, possession of open containers and/or dispensing of alcohol may be further restricted or prohibited in any park or public place by posting signs providing notice of such restriction.

2. Requests for such permits shall be on a form provided by the city and shall be applied for at least two weeks prior to the city council meeting where it will be considered. The city council shall also hear any appeals regarding the issuance or denial of permits as authorized by this section or contesting limitations on such permits. The council may establish fees for such permits by resolution.

3. The city shall not be required to obtain a permit for city functions in the park.

C. Animals in Parks:

Animals are generally prohibited at the Ward Newcomb Memorial Park, located at 6360 N. 4th Street. Dogs may be permitted in designated areas for special events with special permission from the city council.

At the Dalton Gardens Riding Arena, located at 7344 N. 16th Street, dogs are allowed, provided they are on a leash at all times.

D. Damaging or Destroying Public Property:

It is unlawful for any person to willfully damage, mutilate or destroy any bench, trash can, playground equipment, tree, shrub or any other improvement or fixture on any city owned, leased or maintained natural area, park, playground or play field.

9-2-2: RESERVED AREAS

A. Areas Designated. The City may designate one or more area within the Ward Newcomb Memorial Park, or the Dalton Gardens Riding Arena that can be reserved for use. Such areas will be designated by appropriate signage posted by the City.

B. Reservation Procedure. Any individual or group wishing to reserve one of the areas available for reservation shall apply to the city clerk. The application must be approved by the city clerk and all fees paid before a reservation permit will be issued for any area.

C. The city council may, from time to time, enact recreation and park use fees and deposits by resolution. Reservation or park use fees may be waived by the mayor for charitable or community benefit activities that serve the public interest. The mayor shall report any such waivers to the city council.

D. It is unlawful for any individual or group to reserve, attempt to reserve, or in any way prevent any other person from using any area of the parks unless such individual or group has first received written permission from the city clerk to reserve the area. Any individual or group authorized by the city clerk to reserve an area shall make the permit available for inspection by any employee of the city upon request.

SECTION 3. SEVERABILITY.

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 4. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE.

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:

VALERIE ANDERSON, Clerk

SUMMARY OF
CITY OF DALTON GARDENS, IDAHO
ORDINANCE NO. 255


In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 255 of the City of Dalton Gardens, Idaho:

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 9 CHAPTER 1 SECTION 4 TO REMOVE THE REFERENCE TO PARKS FROM THE SECTION REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES; AMENDING TITLE 9 TO ADD CHAPTER 2 TO ADDRESS RESTRICTIONS ON THE USE OF CITY PARKS AND MAKE PROVISIONS FOR RESERVATION OF PARK FACILITIES; PROVIDING SEVERABILITY, REPEALING CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

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


The full text of Ordinance 255 is available at the Dalton Gardens City Hall.

DATED this 23rd day of August, 2018.



STEVE ROBERGE, Mayor

ATTEST:



Valerie Anderson, Clerk