



Planning & Zoning Public Hearing Meeting

Thursday, September 4, 2025 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:
<https://us02web.zoom.us/j/86233827982?pwd=LEFrXb6rZLCHkWWO3eXAMr54OkDGZ5.1>

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 862 3382 7982; Passcode: 981048

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AUGUST 7, 2025, COMMISSION MEETING MINUTES-**ACTION ITEM**
4. PUBLIC COMMENT(S)-Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City of Dalton Garden government business. Comments related to public hearings should be held for that public hearing. Please address comments to the Commission only and not the audience. Be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
5. COMMISSION COMMENTS
6. CITY PLANNER REPORT
7. PUBLIC HEARING FOR MASSAGE FACILITIES AND SPAS ORDINANCE 289-**ACTION ITEM**
8. CONSIDERATION OF FENCE ORDINANCE 291-**ACTION ITEM**
9. DISCUSSION OF TEMPORARY OCCUPANCY-**ACTION ITEM**
- 10.AGENDA ITEMS FOR NEXT COMMISSION MEETING
- 11.ADJOURN- **ACTION ITEM**

Original Posting: August 28, 2025

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

DALTON GARDENS P&Z REGULAR MEETING MINUTES

Thursday, August 7, 2025

1. **Call to Order:** The Chairman called the meeting to order at 6:01 p.m.
2. **Roll Call**
 - Present:* Chairman Mike Becker, Commissioner Chad Haunschild, Melissa Cleveland, Ron Sampert & Caitlin O'Brien
 - Absent:*
 - Staff Present:* City Clerk Sandy McFarland & City Planner Jill Ainsworth
3. **Approval of Minutes (Action Item)**
 - Moved by Haunschild and seconded by Sampert to approve the P&Z minutes as presented.
 - Result: Passed**
 - AYES:** Haunschild, Cleveland, Sampert & O'Brien
 - NAYS:** None
 - ABSTAIN:** None
 - RECUSE:** None
4. **Approval of Agenda**
 - a. **Proposed Amendments to the Agenda (Discussion Item)**
 - Chairman Becker announced his intention to add Ordinance 289 to the agenda for discussion. He then requested the City Planner to provide details about the ordinance the Commission would be reviewing.
4. **Public Comment**
 - None
5. **Commission Comments**
 - None
6. **City Planner Report**
 - Jill Ainsworth presented her report to the Commission, noting the potential submission of a subdivision application for 6848 N Government Way. She also reported that a demolition permit will be submitted for Walker's Furniture. Additionally, she informed the Commission that the City Attorney will present code amendments at the next Planning & Zoning meeting.
7. **Public Hearing for Special Use Application SU-25-1**
 - The City Planner presented an overview of the application for SU-25-1, located at 2489 N Dalton Ave. The applicant is proposing to construct a storage unit on a parcel that does not include a principal dwelling. The parcel sits on a section of Dalton Ave that is not maintained by the City and does not meet the City of Dalton Gardens' Road standards.
 - The City Planner also noted that the applicant plans to access the storage unit via an adjacent, privately owned lot, rather than directly from Dalton Ave. The applicant was presented with three options:
 - a) Record a covenant deed ensuring access to the parcel will be solely through the adjacent lot;
 - b) Enter into a development agreement in accordance with City guidelines; or
 - c) Combine the two properties into a single parcel.
 - Travis Haine provided additional information regarding his Special Use Permit, informing the Commission that he does not intend to use Dalton Ave for access to 2489 N Dalton Ave. Instead, he stated that he plans to access the property through his residence at 2507 N Dalton Ave.
 - Scott Cranston, the architect representing Travis Haine, informed the Commission that they have applied for a septic permit for both the house and the shop that are planned to be constructed.

Derrick Jones stated that Dalton Ave is maintained by the City. He expressed a different interpretation of the City Code and noted a lack of consistency permits, applications, and exceptions.

Cheryl Christopherson agrees with Derrick Jones' comments.

Opened 6:19 pm-Closed 6:42 pm

Commissioner Sampert asked Derrick Jones what year he was denied a building permit. Mr. Jones responded that the City denied his permit in 2023.

Reopen 6:43 pm -Closed 6:44 pm

The Commission reviewed the Special Use Permit application SU-25-1, outlining the reasons for both supporting and opposing its approval. They also discussed potential provisions to be added to the property title in the event the applicant decides to sell the property in the future.

Moved by Cleveland and seconded by Sampert to approve the Special Use application SU-25-1 and read the Facts and Findings with recommended conditional stipulations recommended by staff.

Result: Passed

AYES: Cleveland, Sampert & O'Brien

NAYS: Haunschild

ABSTAIN: None

RECUSE: None

8. Discussion of Ordinance 289 Massage Facilities and Spas

This proposed ordinance would serve as an addition to the City's existing regulations. The Commission expressed interest in fast-tracking its adoption for the greater good of the community. They requested that Ordinance 289 be included on the agenda for the next meeting and scheduled for a public hearing.

9. Agenda Items for Next Commission Meeting

* Public Hearing for Ordinance 289

* Temporary Occupancy

* Fence Ordinance

10. Adjournment

Moved by Haunschild and seconded by O'Brien to adjourn.

Result: Passed

AYES: Haunschild, Cleveland, Sampert & O'Brien

NAYS: None

ABSTAIN: None

RECUSE: None

The Chairman adjourned the meeting at 7:23 p.m.

Passed this on ____ day of September.

Mike Becker, Chairman

ATTEST:

Sandy McFarland, City Clerk



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planning/Code Compliance Report July 31, 2025 -August 18, 2025

August 18, 2025

Code amendments

No updates.

Variances / Special Use Permits (SUP)

Scott Cranston and Travis Haining presented an application for a Special Use Permit before the Planning and Zoning Commission on August 7th. The applicant, Mr. Haining, is asked to construct an accessory structure on a parcel located on the unimproved section of Dalton Avenue, prior to the construction of a principal dwelling on a parcel. The applicant owns the adjacent property addressed at 2507 E Dalton Avenue. The subject parcel is one parcel east of the intersection of 17th Street and E Dalton Avenue. The Planning and Zoning Commission approved the request with conditions.

Subdivisions

Bart North, agent for Joel Olsen discussed subdividing the property located at 71 Canfield Avenue address from the 6848 N Government Way address at Silverlake Square owned by the Schrieber's. Mr. North believes that there are three parcels. My interpretation is there is one, and the A-to-Z Rental property was created by a deed, in 1985 not through the subdivision process as required by City Code. This creates a parcel that is not in compliance with our code being further divided or lot line adjusted and would not be allowed. Mr. North may appeal my determination before the Planning and Zoning Commission.

Lot Line Adjustments

None.

Predevelopment Conferences

None.

Permits

According to OpenGov, between July 31 and August 18th, twenty-eight new records have been created, thirty- six inspections completed, and twenty-five permits have been issued. A total of \$24,370.23 in fees have been collected. A snapshot of those permits is below.

June 14 through July 30, 2025

Permit Type	New	Issued	Inspections	Revenue Collected
Commercial Business License	6	12	4	\$200
Home Business License	2	0	0	\$50
Alcohol License	0	0	0	0

Building Permit	7	7	21	\$21,386.23
Permit Type	New	Issued	Inspections	Revenue Collected
Mechanical	4	2	2	\$1,024
Roof	1	1	3	\$200
Special Use Permit/Variance	n/a	n/a	n/a	n/a
Right of Way- Driveway	0	0	0	0
Right of Way Utilities	1	2	0	n/a
Predevelopment App	0	0	0	0
Sign Permit	2	2	0	0
Site Disturbance	2	0	0	\$645
Facility Requests	2	n/a	3	\$100

Code Enforcement:

Thirty-two businesses received code enforcement letters advising them to complete their commercial business license within the next 14 days, as their licenses had expired. Two businesses (one existing and one under new ownership) were contacted via phone, and they applied the next day. Met with the Mayor to discuss status of CEs. CEs were updated on OpenGov. Completed site visit for several complaints that came through the Mayor but have not yet entered into OpenGov. Met with property owner of 140 E Canfield on Thursday, August 14th regarding a pile of gravel that is sitting adjacent to the end of the sidewalk and within the right of way. He indicated he will remove by Monday, August 18th. He was advised he needed a Commercial Business License for his use and was requested to advise his tenants at the home at 6719 N Rude St to not park along the road over the weekend. Also noticed and identified 6784 N Rude St was roofing his home without a permit, and he came in the next day for a permit. Received locations of potential violations and investigated 6800 N Valley and 6440 N Hanley; 6425 Davenport; Letters of violation are pending preparation. Completed CE-25-9, 7840 Baillie Street, (mud); and CE-25-15 1207 E Brooklyn Ave, CDA;

Planning Commission

The Planning Commission met on August 7th and heard a public hearing for a special use permit for Mr. Travis Haining on E Dalton Avenue which was approved with conditions. The next Planning and Zoning Commission meeting is on September 4th at 6 PM.

Respectfully submitted,

Jill Ainsworth
City Planner/Code Enforcement

ORDINANCE NO. 289

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 8 TO TITLE 3 “BUSINESS AND LICENSE REGULATION” ENTITLED “MASSAGE FACILITIES AND SPAS,” REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the City Clerk and City Attorney, it is deemed by the Mayor and City Council to be in the best interests of the City of Dalton Gardens that Chapter 8 of Dalton Gardens Municipal Code Title 3 be adopted.

NOW, THEREFORE,

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

**CHAPTER 8
MASSAGE FACILITIES AND SPAS**

SECTION:

- 3-8-1: Purpose and Intent
- 3-8-2: Definitions
- 3-8-3: Massage Facility or Spa License Required; Exceptions
- 3-8-4: Massage Facility and Spa License Application
- 3-8-5: Massage Facility and Spa Minimum Requirements
- 3-8-6: Approval of Massage Facility or Spa License
- 3-8-7: Display of Licenses; Student Notices
- 3-8-8: License; Term; Renewal
- 3-8-9: Denial, Suspension or Revocation of Massage Facility or Spa License
- 3-8-10: Appeal
- 3-8-11: Records Required; Records Retention; Inspection
- 3-8-12: Prohibited Conduct
- 3-8-13: License Transfer Prohibited
- 3-8-14: Altering License
- 3-8-15: Advertising Prohibited
- 3-8-16: Relocation of Massage Facility or Spa
- 3-3-8-17: Massage Facility; Hours
- 3-8-18: Massage Facility; Minimum Age of Employees
- 3-8-19: Alcoholic Beverages And Drugs Prohibited
- 3-8-20: Violation; Penalty

3-8-1: PURPOSE AND INTENT

The City recognizes the health and wellness benefits of massage and reflexology, acknowledging that these businesses serve a legitimate and beneficial purpose in the community. The City also recognizes that some businesses, which hold themselves out as massage or reflexology businesses,

employ unlicensed individuals to provide massage and uncertified individuals to provide reflexology, failing to follow state health and licensing requirements. These individuals lack the proper training required to obtain a state license or certification. In addition, businesses that employ unlicensed or uncertified persons to provide massage and reflexology can be used to facilitate the commission of various criminal acts, including but not limited to human trafficking and prostitution. The businesses that permit unlicensed or uncertified persons to perform massage and reflexology, or that permit the commission of unlawful acts, threaten the business and reputation of legitimate and licensed businesses and practitioners, and present a threat to public health, safety, and welfare. This Chapter is intended to inhibit the ability of individuals or businesses to engage in the practice of providing unlicensed massage and reflexology, and support the legitimate provision of these services by licensed massage practitioners and reflexologists.

3-8-2: DEFINITIONS

The following words and terms, as used in this chapter, shall be held and construed to have the following meanings:

CITY: Means the City of Dalton Gardens.

EMPLOYEE: Means a person who performs services for, gives baths to, or attends in any way the patrons of a Massage Facility or Spa, or who supervises the work of such person, or who acts in a managerial capacity within a Massage Facility or Spa, whether compensated by wages, profit sharing, or otherwise.

MASSAGE and MASSAGE THERAPY: Means and includes the method, art, or science of treating the human body for hygienic, remedial, or relaxation purposes, or for the purpose of reducing or contouring the human body, by pressure, friction, rubbing, stroking, rocking, kneading, tapping, percussion, rolling or manipulating the human body or any portion thereof with the hands or any mechanical or electrical apparatus or other agency or instrumentality, including the external application of water, heat, cold, lubricants, and other topical preparations; provided, the definition of Massage or Massage Therapy as used herein shall not be deemed to include any activity which is lewd, disorderly, or dissolute. For purposes of this Chapter, Massage and Massage Therapy include the manipulation of the hands, feet or ears, and the practice of using touch to affect the energy systems, acupoints or qi meridians, or channels of energy of the human body, such as polarity, polarity therapy, polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin do®, qi gong, reiki, shiatsu, or similar modalities.

MASSAGE FACILITY: Any building, room, place, or establishment where a Massage Therapist or any other person engages in, carries on, or permits to be engaged in, conducted, or carried on the business of providing Massage Therapy for compensation. The facility of a regularly licensed hospital or medical clinic, or of a licensed physician or surgeon, shall not be considered a Massage Facility for purposes of this Chapter.

MASSAGE THERAPIST: Any person who engages in, conducts, or carries on the business of providing Massage Therapy for compensation or who holds himself or herself out as a Massage Therapist, licensed by the state of Idaho.

SPA: Means and includes any place or portion thereof where hot tubs, saunas, or baths by water,

steam, vapor, or hot air, or like treatments are made available for compensation; provided, however, that such term shall not include any place providing only ordinary tub or shower baths where no attendant is present.

3-8-3: MASSAGE FACILITY, OR SPA LICENSE REQUIRED; EXCEPTIONS

It is unlawful for any person to operate, conduct, carry on or maintain a Massage Facility or Spa or to engage in the business of Massage Therapy in the City without first obtaining a City license. The following persons shall be exempt from this chapter:

A. Persons licensed in the state of Idaho to practice medicine, surgery, osteopathy, chiropody, physical therapy, chiropractic, cosmetology, esthetics, or podiatry, provided the services rendered are within the scope of the license.

Registered or licensed nurses, registered athletic trainers, and licensed physical therapists, provided the services rendered are within the scope of the license.

3-8-4: MASSAGE FACILITY AND SPA LICENSE APPLICATION

An application for a Massage Facility or Spa license shall be filed with the City Clerk together with the fee established by Resolution of City Council upon the application form provided by the City Clerk. Each application shall be signed under oath, or by certification or declaration under penalty of perjury consistent with Idaho Code § 9-1406, by the person(s) who will conduct, operate, or maintain such establishment. Any applicant who receives a Massage Facility or Spa license under this Chapter will be deemed to have made any and all statements in the application

under oath, and shall be bound by such statements for all purposes. City is authorized to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. To determine the number of prospective applicants for licensing with the City, applicants must provide the necessary information and fingerprints to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to section Idaho Code § 67-3008 and Public Law 92-544, the City shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police Bureau of Criminal Identification for a criminal records check of state and national databases. The submission of fingerprints and the information required by this section shall be on forms prescribed by the Idaho State Police. In the event the applicant is a corporation, the information required by this section shall also be provided for each officer and director of the corporation. Failure to meet or comply with the application requirements shall result in a denial of the license.

Each application shall include the following:

1. The name, home address, telephone number, and email address of the applicant and of all persons named included under subsections 3, 4, and 5 of this section; and

2. The business name, business address and telephone number of the establishment or proposed establishment, and a labeled floor plan showing all rooms, a description of the facility in which said business will be conducted, including the number of and size of treatment rooms, provisions for sanitation and laundry, exits, and residential arrangements, if any;
3. The names and addresses of all persons having a financial interest of any kind in such business or proposed business, and whether such business will be conducted as a sole proprietorship, partnership or corporation. If a partnership, provide the names of all persons sharing in the profits of said business. If a corporation, provide the names of its officers and directors, and the title of each, and all corporate stockholders;
4. The names and addresses of all persons who will act as proprietor, manager, or person in charge of such business or proposed business, and an emergency contact phone number for the business;
5. The names and addresses of all persons who will be performing Massage at the business and a copy of the State Massage Therapist license, with issue and expiration dates. The Massage Facility or Spa is required to notify the City Clerk of any changes to the licensed Therapist;
6. The residence addresses and period of occupancy for the previous five (5) years of the applicant and of all persons required to be named under subsections 3, 4, and 5 of this section;
7. The age, date of birth and social security number of the applicant and of all persons required to be named under subsections 3, 4, and 5 of this section;
8. Whether the applicant or any person named under subsections 3, 4, and 5 of this section has ever been convicted of any crime or has ever forfeited a bond to appear in court for any crime, excluding minor traffic offenses, and whether such person is the subject of any outstanding warrant or pending criminal charge, and, if so, stating the charge, the court issuing the warrant or in which charges are pending, date of conviction or forfeiture and the circumstances and disposition of the case;
9. Whether the applicant or any person named under subsections 3, 4 and 5 of this section have ever been denied a massage therapy, massage therapist, or spa license, or whether the massage therapy, massage therapist, or spa licenses has been revoked, and, if so, the date of the denial or revocation, the reason(s) therefor, the jurisdiction which denied or revoked the license, and whether the license was thereafter issued or reinstated.
10. The occupation, business name, and business address of all the prior employers of the applicant and of all other persons required to be named under subsections 3, 4, and 5 of this section during the previous ten (10) years, and the nature of the work performed for each employer;
11. All assumed names or aliases which have been or are used by the applicant and by all persons required to be named under subsections 3, 4, and 5 of this section;

12. Two (2) color photographs of the owner of the facility, two inches by two inches (2"x2") in size, taken within three months preceding the filing of the application and showing the whole face of the applicant. One (1) photograph shall be affixed to the license, and the other shall be affixed to the application retained in the City records;

13. The fee established by Resolution of the City Council; said fee shall not be refunded if the business license is denied or revoked; and

14. Such other information as the City Clerk and/or the Kootenai County Sheriff's Department may reasonably require for the administration of this Chapter.

3-8-5: MASSAGE FACILITY AND SPA MINIMUM REQUIREMENTS

A. Each new Massage Facility and Spa, as well as each licensed Massage Facility or Spa that relocates to a different location, shall be inspected by the Fire Department and must comply with all applicable provisions of the Fire Code. The Fire Department shall be permitted further inspections at reasonable times and upon reasonable notice to ensure continued compliance with the Fire Code.

B. Each new Massage Facility and Spa and each licensed Massage Facility or Spa that moves to a different location shall be inspected by the City and shall be required to comply with all applicable provisions of the Building Code. The City shall be permitted further inspections at reasonable times and upon reasonable notice to ensure continued compliance with the Building Code.

C. No Massage Facility or Spa license shall be issued unless the City affirms that it constitutes an allowed use in the zoning district and that all other provisions of the Zoning Code are met. If a Massage Facility or Spa moves to a different location, it shall be required to comply with the Zoning Code then in effect.

D. Every Massage Facility and Spa licensed under this Chapter shall have a person who is conversant in the English language present on the licensed premises, or readily available by telephone, at all times the Massage Facility or Spa is open for business.

E. Hot and cold running water, with soap and/or detergent, shall be available in the Massage Facility or Spa for patrons and employees.

F. Sufficient equipment shall be available and in good working order for the purpose of disinfecting and/or sterilizing any instruments used in the Massage Facility or Spa for Massage Therapy.

G. Restroom facilities shall be available for patrons and employees as required by the current Building Code.

H. Closable cabinets shall be provided for the storage of clean linen and supplies.

I. A schedule of services available, and the name and telephone number of the manager of the Massage Facility or Spa, shall be posted in plain view near the customer entry door to the business.

3-8-6: APPROVAL OF MASSAGE FACILITY OR SPA LICENSE

Upon receipt of a completed application, the results of the background check, payment of the fee adopted by Resolution, and completion of any necessary investigation, the City Clerk shall issue a license to a qualified applicant.

3-8-7: DISPLAY OF LICENSES; STUDENT NOTICES

A. Every Massage Facility or Spa licensed pursuant to the provisions of this Chapter shall display in a manner so as to be easily seen by customers the current Massage Facility or Spa license and the current Idaho state license for any Massage Therapist employee performing Massage Therapy at the Massage Facility or Spa. In addition, a notice listing all students enrolled in a board-approved course of instruction while completing a clinical requirement or supervised massage therapy fieldwork experience for graduation, performed under the supervision of a person licensed under this Chapter, shall be displayed in a form that can easily be read by persons entering the premises.

B. It is unlawful for any owner, proprietor, manager, or person in charge of a Massage Facility or Spa to allow any person to act as a Massage Therapist or a Spa employee who has not obtained the required license from the state of Idaho Board of Occupational Licensing.

3-8-8: LICENSE TERM; RENEWAL

A Massage Facility license issued pursuant to this Chapter shall be valid from the time it is issued and may be renewed by filing an application for renewal with the City Clerk or authorized representative designee, together with the renewal fee established by Resolution of Council.

3-8-9: DENIAL, SUSPENSION OR REVOCATION OF MASSAGE FACILITY OR SPA LICENSE

The City Clerk may refuse to issue any Massage Facility or Spa license, and may suspend or revoke upon a finding after such investigation as deemed necessary, that:

A. Such license was issued illegally or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppressions of material facts, or that any of the material facts contained in the application for such license have become false; or

B. Any person owning an interest or sharing in the profits of such business, or any corporate stockholders, or officers, or directors thereof, or any persons acting as proprietor, manager or person in charge of such business:

1. Has, within the previous five (5) years, been convicted of, or forfeited a bond to appear in court for, any felony, misdemeanor, or other violation of any federal, state or local law relating to sex offenses or to the possession, use or sale of drugs, controlled

substances, alcoholic beverages, or of any crime involving moral turpitude, or has forfeited a bond to appear in court for any of the foregoing offenses; or

2. Has violated any provision of this Chapter or committed any misconduct or improper, fraudulent, or wrongful behavior relating to the giving of massages or baths, or to the management of a Massage Facility or Spas, or the fitness of such person to engage in such business, or committed any act which is discreditable to such business or which is lewd or dissolute; or

3. Is not of good moral character; or

4. Previously shared in the profits of any Massage Facility or Spa or acted as an officer or director thereof, or acted as proprietor, manager or person in charge of such business at a time when any license issued pursuant to this Chapter for such business was revoked; or

C. Any servant, agent, employee or representative of such business has committed any act in violation of this Chapter or failed to act in a manner required by this Chapter, or committed any misconduct or improper, fraudulent or wrongful behavior relating to the giving of massages or baths which bears on the fitness of such person to engage in such business, or committed any act or default which is discreditable to such business or which is lewd or dissolute; if:

1. The circumstances surrounding such acts or tend to establish a lack of adequate supervision or control over a servant, agent, employee, or representative of the business ; or

2. The circumstances establish that the acts or omissions of the servant, agent, employee, or representative were knowingly allowed by any person sharing in the profits of said business, any officer or director thereof, or of any person acting as proprietor, manager or person in charge of such business;

D. Denial, suspension or revocation is necessary to protect the safety, morals, or welfare of the public, or the operation of such business would be in violation of any federal, state, or local law;

E. The holder of any Massage Facility license or Spa license and all persons owning an interest or sharing in the profits of such business, including any officers and directors thereof, and all persons acting as proprietor, manager or person in charge of such business shall be held strictly responsible for the acts and omissions of each other and for any the acts and omissions of any servant, agent, employee, or representative of such business if the circumstances establish a lack of adequate supervision or control, or the acts or omissions were knowingly allowed, or an act or omission occurred three (3) or more times within the previous two (2) years.

3-8-10: APPEAL

A. An applicant whose application for a license has been denied, or any person holding a license which is suspended or revoked, may file a written notice of appeal with the City Clerk

within ten (10) business days following mailing of the notification of the denial, suspension, or revocation. The City Clerk may grant a stay of the suspension or revocation of a license, after consultation with the City Attorney and any agency that has made any criminal charge, upon a showing of good cause that continued operation of the facility during the pendency of the appeal would not harm the public safety, morals, or welfare.

B. The written notice of appeal shall state the grounds for the appeal, identifying the specific objections to the decision, any abuse of discretion that occurred, or where the evidence did not support the decision. The appeal shall be accompanied by such evidence as the appellant deems necessary to support the appeal.

C. The City Clerk shall fix the time for a hearing before the City Council, which shall occur (15) and forty (40) days after filing the notice of appeal. An extension of up to thirty (30) days shall be granted upon request by the appellant or the City. At least ten (10) days prior to the hearing date, written notice shall be given to the appellant of the time and place of the hearing. The hearing shall be *de novo*, and all credible evidence bearing on the questions of whether the denial, suspension, or revocation was proper may be received. The applicant shall bear the burden of showing that the denial, suspension, or revocation was contrary to the law or not supported by the evidence. The City Council shall consider the purpose and intent, as well as the language, of the pertinent provisions of the Code.

D. Following the hearing, the City Council may affirm or reverse the denial, suspension, or revocation of the license, and shall provide written Findings of Fact and Conclusions of Law to the applicant.

3-8-11: RECORDS REQUIRED; RECORDS RETENTION; RECORDS INSPECTION

A. Every Massage Facility or Spa shall keep a written record of the date and hour of the services provided, identifying the name of the person providing the service, the length of the appointment, and a general description of the services provided, to include the part(s) of the body treated. All records, including but not limited to customer or patron lists, service logs, and transaction receipts, must be legible and in English to enable inspection by the City. In addition, for each employee, the following written records must be kept by the Massage Facility or Spa:

1. Full legal name, date of birth, home address and telephone number, job title or description, dates of commencement of employment and termination of employment; and
2. State Massage Therapist license number, date of issuance, and date of expiration.

B. The required records must be retained for at least one (1) year after the services were provided.

C. The records required by this Chapter are subject to inspection by the City or its designated agents, including law enforcement personnel, during normal business hours. Upon reasonable notice, inspection shall be allowed outside normal business hours.

D. The Kootenai County Sheriff's Department shall have the power, at all times, to inspect any Massage Facility for which a license is granted hereunder for the purpose of determining compliance with this Chapter.

3-8-12: PROHIBITED CONDUCT:

It is unlawful for any employee of a Massage Facility or Spa, or any person providing Massage Therapy at a Massage Facility or Spa licensed by the City to:

A. Knowingly provide or offer to provide any service intended to arouse, appeal to, or gratify sexual desires; or

B. Knowingly ask or direct a patron to touch their own anus, genitals or breasts; or touch the anus, genitals or breasts of any person on the premises, or expose his or her genitals, anus or breasts to any person on the premises with the intention of appealing to the prurient interest of the Massage Therapist or the Massage Facility or Spa client; or

C. Knowingly place any part of the body of a patron in direct or indirect contact with the anus, genitals or breasts of any other person on the premises; or

D. Knowingly offer any service or engage in conduct that violates any federal, Idaho state, or City law.

3-8-13: LICENSE TRANSFER PROHIBITED:

A license issued pursuant to this Chapter may not be assigned or transferred. Upon a change in ownership of the Massage Facility or Spa, a new license will be required.

3-8-14: ALTERING LICENSE:

It is unlawful to alter or tamper in any way with a license which has been issued pursuant to the provisions of this Chapter.

3-8-15: ADVERTISING PROHIBITED:

It is unlawful to place an advertisement for a Massage Facility or Spa unless the Massage Facility or Spa, and its employees are licensed, if required by law.

3-8-16: RELOCATION OF MASSAGE FACILITY OR SPA

A Massage Facility or Spa license is valid only for the premises identified in the City records. If a Massage Facility or Spa intends to relocate, the City Clerk shall be notified in writing of the relocation at least ten (10) days in advance thereof. Any required Fire, Building, or Planning inspections must be completed before the relocation.

3-8-17: MASSAGE FACILITY; HOURS

It is unlawful to conduct business in a Massage Facility or Spa between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

3-8-18: MASSAGE FACILITY; MINIMUM AGE OF EMPLOYEES

It is unlawful for any Massage Facility or Spa to employ any person who is not at least eighteen (18) years of age, unless such employee acts solely as a receptionist or janitor, in which case the employee must be at least sixteen (16) years of age.

3-8-19: ALCOHOLIC BEVERAGES AND DRUGS PROHIBITED:

A. It is unlawful to consume any alcoholic beverages or liquor, or possess an open container of any alcoholic beverage or liquor, on the premises of any Massage Facility or Spa.

B. It is unlawful for the proprietor, manager, or person in charge of any Massage Facility or Spa, or any employee to allow the consumption of alcoholic beverages or liquor on such premises. Provided, however, that the provisions contained herein relating to alcoholic beverages or liquor shall not apply to premises which are duly licensed by the Idaho State Liquor Control Board and the City.

3-8-20: VIOLATION; PENALTY

Any person who commits, attempts to commit, conspires to commit, offers or agrees to commit, or aids or abets in the commission of any act or omission that violates any of the provisions of this Chapter is guilty of a misdemeanor punishable as provided in section 1-1-1 of this Code. Each and every day a violation of this Chapter exists constitutes a separate and distinct offense, and shall be subject to a separate citation.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Dalton Gardens at a regular session of the City Council on July 30, 2025.

APPROVED, ADOPTED and SIGNED this 31st day of July, 2025

Curt Jernigan, Mayor

ATTEST:

Sandy McFarland, City Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. 289
Adding Chapter 8 entitled “Massage Facilities and Spas”

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING DALTON GARDENS MUNICIPAL CODE TITLE 3 AND ADDING CHAPTER 8, ENTITLED “MASSAGE FACILITIES AND SPAS;” REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 289 IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 NORTH 4TH STREET, DALTON GARDENS, IDAHO 83815 IN THE OFFICE OF THE CITY CLERK.

Sandy McFarland, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Susan P. Weeks, am the City Attorney for the City of Dalton Gardens, Idaho. I have examined the attached summary of Dalton Gardens Ordinance No. 289, adding Chapter 3, to Title 3, and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the context thereof.

DATED this 31st day of December, 2025.

Susan P. Weeks

Susan P. Weeks