

ORDINANCE NO 271

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 1 CHAPTER 4, AND TITLE 8, CHAPTERS 1 AND 2 OF DALTON GARDENS CITY CODE TO PROVIDE FOR INFRACTION PENALTIES WHERE APPLICABLE AND ADOPT STATE INFRACTION PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the city of Dalton Gardens, Kootenai County, Idaho, that Title 1, Administrative, Chapter 4 General Penalty, Section 1-4-1, General Penalty; Title 8, Motor Vehicles and Traffic, Chapter 1, Motor Vehicle Code, Section 8-1-2, Penalties; Chapter 2, General Traffic Provisions, Section 8-2-4C, Violation are hereby amended as follows:

Section 1. Dalton Gardens City Code Title 1, Chapter 4, Section 1-4-1 is hereby amended as follows:

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 unless another infraction penalty is specifically provided 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.

Section 2. Dalton Gardens City Code Title 8, Chapter 1, Section 8-1-2 is hereby amended as follows:

8-1-2: PENALTIES:

~~Any violation of any of the provisions of said Idaho Motor Vehicle Laws shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed six (6) months or both such fine or imprisonment. A violation of any of the traffic provisions set out in this code shall be an infraction unless another penalty is provided by state law, and, upon being found to have violated a traffic provision of this code, shall be penalized as allowed by state law.~~

Section 3. Dalton Gardens City Code Title 8, Chapter 2, Section 8-2-4 is hereby amended as follows:

8-2-4: USE OF AIR COMPRESSION BRAKES PROHIBITED:

A. Definitions: For purposes of this section, the following definitions shall apply:

COMPRESSION BRAKE: Any engine brake, air compression brake or mechanical exhaust braking device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

DESIGNATED ROADWAY: Any public highway, as defined in Section 40-117, Idaho Code, within the City of Dalton Gardens city limits.

B. Prohibited: It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated a vehicle compression brake within any designated roadway except under emergency circumstances where the use of a compression brake is necessary to prevent an accident or injury to persons or property. Emergency vehicles, street maintenance equipment, and City vehicles are exempt from the prohibitory provisions of this Section.

C. Violation: Any person who violates any provision of this Section shall be deemed guilty of an infraction punishable pursuant to Section 1-4-1 of this Code unless otherwise provided under state law.

Section 4. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.


Section 5. All provisions of the current Dalton Gardens Municipal Code, or 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 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the City Council as an Ordinance of the city of Dalton Gardens upon roll call vote on the 2nd day of September, 2021.

APPROVED by the Mayor on this 2nd day of September, 2021.

CITY OF DALTON GARDENS, IDAHO

By: 

Dan Edwards, Mayor

ATTEST:



Teresa Janzen, City Clerk