

**ORDINANCE NO. 290**

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING SUBSECTION 5-5-7 “FENCING” BY ADDING SUBSECTIONS 5-5-7.A.1.a AND 5-5-7.A.2.a WITHIN TITLE 5, “ZONING” SECTION 5-5-7, ENTITLED “FENCING”. 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 5  
SUBSECTION 5-5-7, FENCING**

**5-5-7: FENCING:**

A. General:

1. Setback Requirement. Any fence exceeding six feet (6') in height is prohibited, except as specifically permitted herein.
  - a. No fence may be installed within the unimproved portion of the public right of way.
2. Materials For Fences And Walls: Fences and walls may be of any material commonly used in construction of fences, provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.
  - a. A wire mesh fence shall be a transparent fence that is defined as at least 75% visibility opacity.
3. Measurement Of Heights: The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. Where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.

4. Fences For Swimming Pools: Swimming pools shall be enclosed by buildings or fences or walls in accordance with the provisions of the International Building Code, as adopted, and other applicable provisions of this Code.

B. Residential Fencing:

1. Height And Setback Standards: Fences shall comply with the following height and setback standards:

- a. Fences erected in the area in front of the primary structure (defined by a perpendicular line from the closest corner of the primary structure to the side property line on each side) shall be no more than four feet (4') in height, and shall not be required to meet any setback requirements. Fences located rearward of those lines may be up to 6 feet in height and shall not be required to meet any setback requirements. Wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be 5 feet high as a permitted use. Fencing for livestock enclosures may be permitted within the front yard setback.
- b. Exception to height requirements: Wire mesh fencing may be constructed up to eight (8') feet in height. Such wire mesh fences shall not be sight obscuring and shall not have privacy slats installed. Such fences shall be located rearward of the front corner of the primary structure or at least seventy-five feet (75') from any property line that is adjacent to a public street, except where that public street serves as the flanking street for a corner lot. For such corner lots, no setback from the flanking street side is required.
- c. All fences shall meet vision triangle standards so to not obstruct views from street or driveway.

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 \_\_\_\_ day of \_\_\_\_\_, 2025

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Curt Jernigan, Mayor

ATTEST:

\_\_\_\_\_  
Sandy McFarland, City Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. 290

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING SUBSECTION 5-5-7 ENTITLED “FENCING” BY ADDING SUBSECTIONS 5-5-7.A.1.a AND 5-5-7.A.2.a WITHIN TITLE 5, ENTITLED “ZONING” 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. 290 IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 NORTH 4<sup>TH</sup> STREET, DALTON GARDENS, IDAHO 83815 IN THE OFFICE OF THE CITY CLERK.

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Sandy McFarland, Deputy 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. 290, adding subsections 5-5-7.A.1.a and 5-5-7.2.a to Chapter 5, to Section 5-5-7, Title 5, 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 \_\_\_\_ day of \_\_\_\_\_, 2025

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Susan P. Weeks