

ORDINANCE NO. 231

**AN ORDINANCE PROHIBITING OBSTRUCTION OF PUBLIC RIGHT-OF-WAYS,
INCLUDING SIDEWALKS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,
JOHNSON COUNTY, IOWA:

Section 1. DEFINITIONS.

- A. "Obstruct" means to hinder or prevent free and open passage over any part of the right-of-way and includes, but is not limited to, placing any tangible object in a public right-of-way.
- B. "Public Right-of-Way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes of the city. Public right-of-way includes the area between the curb lines or the lateral lines of a roadway and the adjacent sidewalk, whether paved or not.

Section 2. PROHIBITION. It shall be unlawful for any person, firm, partnership, or corporation to obstruct any public right-of-way.

Section 3. PENALTY. Any person, firm, partnership, or corporation found in violation of this ordinance shall be guilty of a simple misdemeanor punishable by a fine of \$100.00. A real property owner adjacent to the public right-of-way shall not be punished by this Ordinance unless the real property owner is responsible for or contributed to the obstruction of the public right-of-way. The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred, notwithstanding the provisions of Chapter 907 of the Code of Iowa, as amended, or any other provision of statute.

Section 4. SAVING CLAUSE. In the event any word, phrase, sentence, paragraph, or section contained in this Ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this Ordinance would have been enacted and remain in full force and effect.

Section 5. REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this ____ day of _____, 2018, and approved this ____ day of _____, 2018.

Louise A. From, Mayor

(SEAL)

ATTEST:

Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of _____, 2018, before me, a notary public in and for the state of Iowa, personally appeared Louise A. From, Mayor, and Christine M. Anderson, Clerk of the City of University Heights, Iowa, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that this instrument was acknowledged and sealed on behalf of the City, and that Louise A. From and Christine M. Anderson acknowledged the execution of this instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 2018.

Christine M. Anderson

Signed and sworn to before me on the ____ day of _____, 2018, by Christine M. Anderson, Clerk of the City of University Heights, Iowa.

Notary Public in and for the
State of Iowa