

ORDINANCE NO. 184

AN ORDINANCE AMENDING ORDINANCE NO. 105
(REGULATING FENCES, HEDGES, AND OTHER PLANTINGS)

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

University Heights Ordinance No. 105 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

SECTION:

2: FENCE AND HEDGE LOCATION AND HEIGHT REQUIREMENTS:

- B. Fences, retaining walls, hedges or other plantings shall be located so no part thereof is within two feet (2') of any alley or a street right-of-way line.
- C. At street intersections, no fence, retaining wall, hedge, or other planting more than three feet (3') in height above the curb level shall be located within a triangular area, two (2) of its sides twenty-five feet (25') in length and measured along the right-of-way lines from the point of intersection. Any fence, retaining wall, hedge, or other planting in existence upon adoption of this ordinance or any respective amendment to this ordinance and not in compliance with this subsection (2(c)) shall be brought into conformance within thirty (30) days of publication of the ordinance or respective amendment. Provided, however, that this subsection 2(c) shall not apply to the following:
1. Fences, retaining walls, hedges, or other plantings that presently are situated upon or near the lot lines of properties abutting the west right-of-way line of Sunset Street south of Melrose Avenue provided such structures are parallel to the right-of-way line or approximately so.
 2. Fences or retaining walls erected or hedges or other plantings planted to replace those existing upon enactment of the ordinance as identified in subsection 2(c) (1) herein.

Provided further that a fence otherwise subject to this subsection 2(c) is not in violation so long as it is no more than ten percent (10%) solid.

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.

EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this ____ day of _____, 2013, and approved this ____ day of _____, 2013.

Louise From, Mayor

(SEAL)

ATTEST:

Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this _____ day of _____, 2013, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise From and Christine Anderson acknowledged the execution of said 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 Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the _____ day of _____, 2013.

Christine Anderson, City Clerk

Signed and sworn to before me on the _____ day of _____, 2013, by Christine Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa