

**ORDINANCE NO. 131**

**AN ORDINANCE REGULATING COMMERCIAL VEHICLES  
UPON THE STREETS OF UNIVERSITY HEIGHTS  
AND PROVIDING PENALTIES**

SECTION 1. PURPOSE.

University Heights, Iowa is almost entirely a residential community. The purposes of this ordinance are to prevent commercial vehicles from damaging city streets, to avoid potential dangers and hazards associated with commercial vehicles, and to preserve the characteristics of University Heights as a residential community.

SECTION 2. DEFINITIONS.

All words and phrases herein shall be construed in accordance with the meaning provided in Iowa Code Chapter 321, as amended.

- A. "Combination" or "Combination of Vehicles" shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semi-trailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.
- B. "Combined Gross Weight" means the gross weight of a combination of vehicles
- C. "Commercial Vehicle" means a vehicle or a combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply:
  - 1. The vehicle or any combination of vehicles has a gross weight or combined gross weight of 10,001 or more pounds.
  - 2. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.
  - 3. The vehicle is designed to transport 16 or more persons, including the driving.

- 4. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding by the laws of the State of Iowa.
- D. "Gross Combination Weight Rating" means the combined gross vehicle weight rating for each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle is its gross weight.
- E. "Gross Vehicle Weight Rating" means the weight specified by the vehicle manufacturer as the loaded weight of a single vehicle.
- F. "Gross Weight" means the empty weight of a vehicle plus the maximum load to be carried by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle
- G. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

SECTION 3. COMMERCIAL VEHICLES.

It is unlawful for any commercial vehicle to operate upon the streets and highways within the City of University Heights.

SECTION 4. PERMITS FOR COMMERCIAL VEHICLES.

No commercial vehicle shall be operated upon City streets without a permit issued by the Mayor, Engineer, or Clerk of the City of University Heights, or the designee of any such officials. The cost of permits shall be as follows:

- A. 7-day permit - \$200.00
- B. 30-day permit - \$400.00

SECTION 5. PERMIT APPLICATIONS.

Persons or entities desiring permits contemplated by Section 4 of this ordinance shall submit applications therefor on forms prescribed by the University Heights City Council. Permit applications shall require applicants to certify the gross weight of their vehicle, the combined gross weight of their vehicle, the gross vehicle weight rating of their vehicle, the gross combination weight rating of their vehicle, the number of passengers being transported in their vehicle, and/or the type of hazardous material being transported in their vehicle.

SECTION 6. PERMITS WITHHELD.

The University Heights City Council, its officers, and its designees reserve the right not to issue permits contemplated by this ordinance when the City Engineer indicates such issuance would be particularly detrimental to city streets.

SECTION 7. RESTRICTED OPERATION.

The Traffic Engineer may designate those heavily traveled streets which shall be closed to any class or kind of traffic that the Engineer finds to be incompatible with the normal and safe movement of traffic. The streets shall be appropriately signed to give notice of the restriction.

SECTION 8. EXEMPTIONS.

The following commercial vehicles shall be exempted from application of this ordinance:

- a. Commercial vehicles, other than dump trucks or earth-moving equipment, making deliveries or pickups or performing services at properties located adjacent to the prescribed street if the premises has no other means of access for delivery of service.
- b. School buses.
- c. Emergency vehicles.

- d. Vehicles performing trash, recycling, yard waste removal, garbage collection, or snow removal services within the City.
- e. Service vehicles incident to serving the gas, electric, telephone, cable television, water, sewer, or street systems located within the City.
- f. Public transportation vehicles.

SECTION 9. FLAG OR LIGHT AT END OF LOAD.

Whenever the load on any vehicle shall extend more than four feet (4') beyond the rear of the bed or body thereof, there shall be displayed at the end of such load, in such position as to be clearly visible at all times from the rear of such vehicle, a red flag not less than twelve inches (12") both in length and width, except between sunset and sunrise there shall be displayed at the end of such load a red light plainly visible from the rear of such vehicle under normal atmospheric conditions at least two hundred feet (200').

SECTION 10. PENALTIES FOR VIOLATION.

Any person who violates this ordinance is guilty of a simple misdemeanor and shall be fined \$500.00.

SECTION 11. 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 12. EFFECTIVE DATE.

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

Adopted by the University Heights City Council this \_\_\_\_ day of \_\_\_\_\_, 2003, and approved this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Gloria N. Jacobson, Mayor

ATTEST: (seal)

\_\_\_\_\_  
Jerry Musser, City Clerk

STATE OF IOWA            )  
                                  )    SS:  
COUNTY OF JOHNSON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson and Jerry Musser, 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 Gloria N. Jacobson and Jerry Musser 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, Jerry Musser, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Jerry Musser

Signed and sworn to before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Jerry Musser, Clerk of the city of University Heights.

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Notary Public in and for the  
State of Iowa

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