

ORDINANCE NO. 140

AN ORDINANCE REGULATING INTOXICATED INDIVIDUALS
IN THE TOWN OF UNIVERSITY HEIGHTS, IOWA.

I. Be it enacted by the city council of the City of University Heights, Iowa:

Section 1. INTOXICATION. No person within the corporate limits of the Town of University Heights, Iowa, shall be intoxicated or simulate intoxication upon any street, alley, public ground or in any public place.

Section 2. PENALTY. Any person violating the provisions of this ordinance shall be guilty of a simple misdemeanor punishable by a fine of one hundred dollars (\$100.00). 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 3. RECORD EXPUNGED. Upon the expiration of two years following conviction for a violation of this section, a person may petition the court to exonerate the person of the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of Iowa Code Ch. 321 or any other statutes or ordinances equivalent to those set forth in Iowa Code Ch. 321 during the two-year period, the person shall be deemed exonerated of the offense as a matter of law. The court may enter an order exonerating the person of the conviction, and order the record of the conviction be expunged by the Clerk of the District Court.

Section 4. REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

Adopted by the University Heights City Council this _____ day of _____, 2004, and approved this _____ day of _____, 2004.

Gloria N. Jacobson, Mayor

(SEAL)

ATTEST: _____
Jerry Musser, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of _____, 2004, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson, Mayor, and Jerry Musser, Clerk of the city of University Heights, 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 acknowledged 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 _____, 2004.

Jerry Musser

Signed and sworn to before me on the ____ day of _____, 2004, by Jerry Musser, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa