

ORDINANCE NO. 161

AN ORDINANCE AMENDING ORDINANCE NO. 81
(REGULATION OF DISPLAY, SALE AND DISTRIBUTION OF GOODS,
MERCHANDISE AND SERVICES)

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

University Heights Ordinance No. 81 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-throughs~~):

AN ORDINANCE REGULATING THE DISPLAY, SALE AND DISTRIBUTION OF
GOODS, MERCHANDISE AND SERVICES ON OR AFFECTING THE USE OF PUBLIC
PROPERTY IN THE CITY OF UNIVERSITY HEIGHTS, IOWA

Section 1. The purpose of this ordinance is to regulate the display, ~~and sale~~ and distribution of goods, merchandise and services, ~~and certificates, coupons, and vouchers for such goods, merchandise and services~~ in the City of University Heights, in such a manner that the use of public property including parks, streets, alleys, and sidewalks will not be adversely affected.

Section 2. No goods, merchandise or services ~~or certificates, coupons, or vouchers for such goods, merchandise or services~~ shall be displayed, solicited, ~~or sold, or distributed~~ on any public property in the City of University Heights, Iowa, which property shall include all parks, streets, alleys, and sidewalks.

Section 3. The display, ~~and sale~~ and distribution of any goods, merchandise or services ~~or certificates, coupons or vouchers for such goods, merchandise or services~~ on commercial or business property must be conducted in such a manner that such display or sales will not interfere with the use of public property which shall include all parks, streets, alleys, and sidewalks.

Section 4. No goods or merchandise, ~~or certificates, coupons or vouchers for goods or merchandise~~ of any nature shall be displayed, ~~or sold~~ or distributed from private property in a residential zone regardless of the consent or approval of the property owners, other than home occupations allowed by the zoning ordinance which shall not be prohibited.

Section 5. Given the differing use, character, and adaptability of the property known locally as 1300 Melrose Avenue and legally described as set forth in Exhibit "A", including but not limited to its parking facilities and overall lot size, this ordinance shall not apply to the property known locally as 1300 Melrose Avenue and legally described as set forth in Exhibit "A" during the hours of 7:00 a.m. to 8:00 p.m. on any day on which the University of Iowa plays football games in Kinnick Stadium so long as the profits from the sale or display are used by or donated to a non-profit entity which is exempt from federal income taxation pursuant to §501(C)(3) of the Internal Revenue

Code, and where the entire proceeds from the sale or display of goods or merchandise are expended for any of the following purposes:

- a. Educational;
- b. Religious; or
- c. Charitable.

A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift.

Section 6. ENFORCEMENT AND PENALTIES. Any violation of this code may be cited as a municipal infraction. The University Heights City Clerk, or the Clerk's duly authorized agent, and any officer, including reserve officers, of the University Heights Police Department are authorized to enforce this code and may issue a civil citation to anyone who violates any section or provision of this code. A violation of this code is punishable by a civil penalty of \$250.00 for a first offense and a civil penalty of \$500.00 for a repeat offense.

Section 57. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Adopted by the University Heights City Council this 14th day of August, 2007, and approved this 14th day of August, 2007.

Mayor

ATTEST: (seal)

City Clerk

Exhibit A

The legal description of the Property is:

Beginning at the Northeast corner of Section 17, Township 79 North, Range 6 West of the 5th P.M.; thence North 89 West along the North line of said Section 17, 402.6 feet; thence South 16 East 490 feet to the Northerly line of Snook's Grove Road as now established; thence North 73 East along the Northerly line of said road 291.3 feet; thence North 1 40' West to the point of beginning, as shown by Plat recorded in Plat Book 4, Page 383.

That part of the northeast quarter of the northeast quarter of Section 17, Township 79 North, Range 6 West of the 5th P.M., described as Auditor's Parcel 96091 on plat of survey recorded in Book 38, Page 125, Plat Records of Johnson County, Iowa.