

ORDINANCE NO. 164

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:

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5            APPEALS AND VARIANCES - BOARD OF ADJUSTMENT

56           PENALTIES

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5: APPEALS AND VARIANCES - BOARD OF ADJUSTMENT:

The University Heights Board of Adjustment is authorized to hear appeals from decisions of the Building Official and requests for variances from the terms of this ordinance.

A. Appeals to the Board may be taken by any person aggrieved by a decision of the Building Official based on the provisions of this ordinance. Such appeal shall be taken within a reasonable time by filing a notice of appeal with the City Clerk, specifying the grounds thereof. The City Clerk shall transmit a copy of the notice to the Building

Official and to the Board of Adjustment. The Building Official shall promptly transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

B. Any person may make application to the Board of Adjustment for a variance to this ordinance by filing a written application with the City Clerk, who shall promptly notify the Board of Adjustment of the application.

C. The concurring vote of three members of the Board of Adjustment shall be necessary to affirm, reverse, revise, or modify any decision of the Building Official, or to decide in favor of an applicant seeking a variance.

D. A filing fee of \$50.00 shall be paid to the City of University Heights with the filing of any appeal or application provided for herein.

E. The Board of Adjustment shall have the authority to affirm, reverse, revise, or modify any decision of the Building Official and to authorize a variance from the terms of

this ordinance that will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

("SECTION 6 - PENALTIES" shall be renumbered "SECTION 7").

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 \_\_\_\_\_, 2007, and approved this \_\_\_\_ day of \_\_\_\_\_, 2007.

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Louise From, Mayor

(SEAL)

ATTEST:

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Jerry Musser, City Clerk

STATE OF IOWA            )  
                                  )        SS:  
COUNTY OF JOHNSON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2007, before me, a notary public in and for the state of Iowa, personally appeared Louise From 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 Louise From 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 \_\_\_\_\_, 2007.

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

Signed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 2007, by Jerry Musser, Clerk of the City of University Heights.

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Notary Public in and for the  
State of Iowa