

ORDINANCE NO. 178

AN ORDINANCE DEFINING AND PROHIBITING THE KEEPING, OCCUPYING AND FREQUENTING OF A DISORDERLY HOUSE IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

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

Section 1. Prohibitions.

- A. No person shall own, rent, or be in control of a disorderly house.
- B. No person shall be present in a disorderly house.

Section 2. Definitions.

For the purpose of this Ordinance, the following words, terms, and phrases used herein shall have the following meanings:

- A. "Disorderly House" means any structure suitable for affording shelter for human beings, including any portion of the property upon which such structure is located, where any of the following conduct or behavior occurs:
 - 1. Any quarreling, fighting or loud, disagreeable noises of sufficient volume, or of such nature by virtue of its type, persistence, time of day or location, to disturb the peace, quiet, or repose of the neighborhood or general public;
 - 2. The sale, use or possession of any alcoholic beverage in violation of Iowa law or University Heights ordinances;
 - 3. The sale, use, or possession of any controlled substance in violation of Iowa or Federal law;
 - 4. Public urination, in violation of University Heights Ordinance number 89;
 - 5. The parking of three or more vehicles, each of which is in any way in violation of University Heights Ordinance number 120;
 - 6. The unlawful deposit of litter or refuse, in violation of University Height Ordinance number 71(III)(e).
- B. "General Public" includes any person, including law enforcement officers, located beyond the subject premises and/or upon any public place.

- C. "Public Place" means an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public, including those buildings in which food or drink is served or entertainment or lodging is provided.

Section 3. Penalties.

- A. Any person violating the provisions of subsection 1.A. above shall be guilty of a simple misdemeanor punishable by a fine of two hundred fifty dollars (\$250.00) for a first offense, and a fine of five hundred dollars (\$500.00) for any subsequent offense. 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.
- B. Any person violating the provisions of subsection 1.B. above 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 4. Saving Clause. In the event any section, provision, or part of this ordinance shall be adjudged by any Court of Competent Jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part hereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Section 6. Repealer. Ordinance 109 and all other ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 11th day of January, 2010, and approved this 11th day of January, 2010.



Louise From, Mayor

(SEAL)
ATTEST:



Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 11th day of January, 2010, 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.

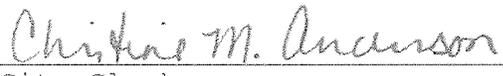




Notary Public in and for the
State of Iowa

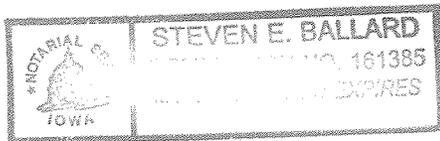
STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 19th day of January, 2010.



City Clerk

Signed and sworn to before me on the 19th day of January, 2010, by Christine Anderson, Clerk of the City of University Heights.





Notary Public in and for the
State of Iowa