

ORDINANCE NO. 109 (as amended)

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 be in full force and effect upon its passage and publication as provided by law.

Adopted by the University Heights City Council on September 14, 1999, and approved on September 14, 1999.

S/

Donald S. Swanson, Mayor

ATTEST: S/

Patricia Birk, City Clerk

** The signed original ordinance is on file with the University Heights City Attorney.

Ordinance No. 115, amending Ordinance 109 by adding the last sentence to Section 1 was passed and approved on August 14, 2001, and published in the Iowa City Press-Citizen on August 29, 2001.

Ordinance No. 178, amends Ordinance 109 by substantially rewording the ordinance which previously stated:

AN ORDINANCE PROHIBITING KEEPING A DISORDERLY HOUSE.

Section 1. DISORDERLY HOUSE PROHIBITED. No person shall permit or continue to allow any quarreling, fighting or loud, disagreeable noises to the disturbance of the neighborhood or general public upon any premises, within the corporate limits of city of University Heights, Iowa, owned by the person or in the person's possession, without taking legal steps to prevent the same. For the purposes of this section, "General Public" includes persons beyond the subject premises and/or persons upon public places, including law enforcement officers.

Section 2. PENALTY. Any person violating the provisions of this ordinance commits a simple misdemeanor punishable by confinement for up to 30 days in jail or by a \$500.00 fine or by both such confinement and fine.

Section 3. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its passage and publication as provided by law.

Ordinance No. 178 was passed and approved January 11, 2010, and published in the Iowa City Press-Citizen on January 19, 2010.

Steve/UHeights/UHOrdinances/Ordinance 109 amended by 115, 178