

ORDINANCE NO. 160

AN ORDINANCE AMENDING ORDINANCE NO. 136
(PLACEMENT AND USE OF PORTABLE TOILETS)

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

University Heights Ordinance No. 136 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

SECTION 2. PORTABLE TOILETS PROHIBITED.

A. No person shall display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.

B. Nor shall any person, company, business, enterprise or other entity engaged in renting, leasing, chartering, or otherwise providing portable toilets display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.

SECTION 3. EXEMPTIONS.

The following are exempt from this ordinance:

A. Portable toilets in residential and commercial zones. Portable toilets on any property in an R-1 or R-3 Residential Zone (R-1 or R-3) or in a C Commercial Zone where fifteen (15) or more vehicles are parked with the consent of the property owner, persons in possession, or the agents of either during days on which The University of Iowa plays football games in Kinnick Stadium, provided the portable toilets are placed no earlier than 8:00 a.m. on the Friday immediately before the first game of the season and removed by 5:00 p.m. on the Monday immediately following the last game of the season provided such portable toilets are not visible from City streets. Any portable toilet placed pursuant to this section must be cleaned and serviced before 5:00 p.m. on the Sunday immediately following each game. Failure to comply with the placement, service, and cleaning requirements of this section shall constitute a violation of this ordinance. ~~placed no earlier than 8:00 a.m. on the Friday immediately~~

~~prior to the University of Iowa home football game and removed no later than 5:00 p.m. on the Monday immediately following the University of Iowa home football game.~~

- B. **Portable toilets in business zone.** Portable toilets on any property within the B Business Zone where fifteen (15) or more vehicles are parked during days on which The University of Iowa plays football games in Kinnick Stadium provided the portable toilets are placed no earlier than 8:00 a.m. on the Friday immediately before the first game of the season and removed by 5:00 p.m. on the Monday immediately following the last game of the season provided such portable toilets are not visible from City streets. Any portable toilet placed pursuant to this section must be cleaned and serviced before 5:00 p.m. on the ~~Tuesday~~ Sunday immediately following each game. Failure to comply with the placement, service, and cleaning requirements of this section shall constitute a violation of this ordinance.
- C. **Construction activities.** Any portable toilet(s) reasonably necessary to accommodate construction being performed pursuant to a valid building permit, provided the portable toilet(s) are cleaned and serviced once a week. This exemption applies only to portable toilets used by persons performing construction at the time such persons are actually performing construction. Failure to comply with the service and cleaning requirement of this section shall constitute a violation of this ordinance.

SECTION 4. ENFORCEMENT AND PENALTIES FOR VIOLATION.

~~Any person who violates this ordinance is guilty of a simple misdemeanor and shall be fined \$250.00. Any violation of this code may be cited as a municipal infraction. The University Heights City Clerk, the Clerk's duly authorized agent, and any officer, including reserve officers, of the University Heights Police Department is authorized to enforce this code and may issue a civil citation to anyone who violates any section or provision of this code. Each day the violation occurs shall constitute a separate violation of this ordinance. 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 45. SAVINGS 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.

SECTION 56. EFFECTIVE DATE.

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

SECTION 67. 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 14th day of August, 2007, and approved this 14th day of August, 2007.

Louise From, Mayor

(SEAL)

ATTEST:

Jerry Musser, City Clerk