

CHAPTER 135

STREET USE AND MAINTENANCE

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135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, yard waste or any other debris, or any other substance likely to injure any person, animal or vehicle, or which, if washed into the storm sewer could clog the storm sewer. The Police Department and Public Works Department will monitor and enforce this regulation.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

(Code of Iowa, Sec. 364.12[2])

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the City Administrator. Permission will be granted or withheld based on recommendations provided by the Police Chief and the Public Works Director.

(Ord. 778 – Jul. 02 Supp.)

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. The location and extent of the proposed work;
 - B. The manner and method of doing the same and the time during which the work will be in progress;
 - C. An indemnity agreement whereby the applicant agrees to indemnify the City against any loss for damage or injury occasioned by reason of the work being done by the applicant and for which the application is made.

The application shall be made on a form to be provided by the City.

2. Issuance of Permits. The Clerk may, upon proper application, issue a permit, specifying therein such regulations and restrictions as may be deemed necessary to insure the safety and convenience of the public and further specifying and requiring the restoration of the street surfaces damaged by such work in the most satisfactory manner and in that manner which will meet the specifications for the restoration of said street surfaces as may be specified by the City Engineer and filed in the office of the Clerk.

3. Charges for Cuts in Pavement Surfaces. Before issuing a permit for cutting into or through any paved or surfaced street or alley, the Clerk shall require the person making application for such permit to make a cash payment to the Clerk in sufficient amount to reimburse the City for all costs and expenses for work done or to be done by the City in connection with such permit and the increased maintenance cost of the pavement surfaces or street surfaces due to such work. The payments required shall be based on a schedule of charges adopted by resolution of the Council.
4. Permits Granted to Plumbers and Utility Companies. No permit for cuts in pavement surfaces or street surfaces shall be granted to any person unless such person is a bonded plumber within the City, except that such permits may be granted to public utility companies in the City after the applicant has made satisfactory arrangements with the Clerk for full and complete compliance with the terms and requirements of this Code of Ordinances and any such agreement made by said utility company with the Clerk shall be affirmed in writing by the manager or proper executive of said utility company.
5. Right of City to Do Work. The City Engineer may reserve the right for the City, through its proper department, to perform all, or such portions of the work of cutting into or through, or excavating along or under pavement surfaces, including the backfilling of trenches and pavement surface repairs as the City Engineer may deem necessary to protect the City from undue injury and excessive repair to such pavement surface.
6. Liability of Permit Holder. The permit holder shall be liable for all damage or injury to any property, person or persons caused by reason of said pavement or street surface cut or excavation and for any of the acts for which said permit holder may hold a permit until the permit holder has notified the Clerk in writing, upon a form to be provided by the Clerk, of the completion of the work, and for a period of twenty-four (24) hours thereafter. If during the said twenty-four (24) hour period the City, through its proper authorities, shall notify the permit holder in writing of any act or omission which jeopardizes the interests of the City, or the public using said street, then said liability shall continue until the license holder has complied with the requirements of the City.
7. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

8. Permit Exemption. Local utility companies performing their own work are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of five thousand dollars (\$5,000.00) to guarantee such compliance.

135.10 DRIVEWAY ENTRANCES, DRIVEWAYS AND DRIVEWAY EXTENSIONS.

1. Driveway Entrance. “Driveway entrance” shall mean that portion of street right-of-way between the curb line and the lot line providing access to private property. It is unlawful for any person to construct a driveway entrance across any parking or street area unless said driveway entrance is of hard surface construction. “Hard surface construction” shall be defined as concrete, asphalt or pavers. Driveway entrances that do not conform to this section but are in existence as of the date of the ordinance codified by this section (February 4, 2002) shall be treated as a nonconforming use under Municipal Code Section 165.06(42) and Municipal Code Sections 165.07 – 165.13.

2. Driveways. “Driveway” shall mean a continuation of a driveway entrance located on private property for the purpose of parking or enclosure of vehicles. Driveway surfaces shall consist of concrete, asphalt, pavers or rock.

3. Driveway Extension. “Driveway extension” shall mean an addition to a driveway, contiguous to the driveway, no wider than ten (10) feet, and for the purpose of parking one additional vehicle. A driveway extension surface shall consist of concrete, asphalt, pavers or rock.

(Ord. 771 – Feb. 02 Supp.)

135.11 BUILDING MATERIAL IN STREETS. No person shall place or deposit any building material in any street without a written permit from the Mayor, subject to revocation by the Council, to use part of the street in front of or adjacent to the lot whereon such building is being erected for depositing therein the material for such building, but all material shall be placed in such a manner as not to obstruct the gutters of the street. The person occupying a portion of the street shall at all times enclose or guard the same in such manner as to protect persons and animals from injury thereby and with red lights placed and burning through the entire night.

135.12 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets,

except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa, Sec. 364.12[2c])

135.13 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2e])

135.14 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

(Code of Iowa, Sec. 364.12 [2])

135.15 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.