

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 or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(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 Council.

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, except the Street Department while acting in its official capacity or a contractor in performing the necessary work on a contract with the City, shall make or cause to be made any excavation in any street, alley, or public highway or grounds in the City for any purpose whatsoever, except for the grading and landscaping of parkings, except in accordance with the following:

1. **Permit Required.** No excavation shall be commenced without first obtaining a permit therefor signed by the City Inspector. A written application for such permit shall be filed with the City Inspector through the office of the Clerk, on blanks furnished by the City Inspector, and shall contain the following:
 - A. Name of the person desiring to make such excavation and said person's place of residence;
 - B. A statement of the purpose of the excavation;
 - C. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - D. Location and dimensions of street cut;
 - E. Date of commencement of the work and estimated completion date.
2. **Barricades, Fencing and Lighting.** The permit holder shall protect the excavation with adequate barricades, fencing, and red warning lights meeting standards specified by the City from the time the work is started until it is completed to the satisfaction of the City Inspector.
3. **Backfilling Completed by Permit Holder.** In case a permit holder has the proper mechanical equipment for tamping backfills, and obtains permission from the Inspector, said permit holder may do the backfilling and tamping with final inspection by the Inspector. In the event the permit holder does the tamping and backfilling, said permit holder shall be responsible for the maintenance of such for one year.
4. **Backfilling; Tight-Sheathed Excavations.** Whenever an excavation made in paving is of such nature that tight sheathing is required, the backfill shall be made with dry sand as the sheathing is being removed, and in no case shall any sheathing be pulled above the dry sand backfill before the backfill is completed.
5. **Backfilling; Replacement of Unsuitable Materials.** Whenever, in the opinion of the Inspector, the excavated materials are unsuitable due to moisture or any other cause, the permit holder shall be required to remove the unsuitable materials and replace and compact the backfill with suitable materials.
6. **Restoration of Parkings.** Every person making excavations or disturbances in the parking of any street shall preserve and protect all sod, trees, and shrubbery and shall restore such parking to a condition as nearly equivalent to its original condition as is possible and to the satisfaction of the Inspector, and the party holding the permit shall, upon notice by the Inspector, make such restoration or repairs as are ordered by the Inspector within five (5) days after notice to do so by the Inspector, and in case the permit holder fails to make the ordered restoration or repair within such time, the City may make such repair or restoration, without further notice, and the permit holder shall be liable to the City for the cost of such repair or restoration. Whenever any excavation is made in such parkings, all excavated materials, excepting the sod, shall be deposited in the roadway. The permit holder, at the time of making and compacting the backfill, shall replace the sod, if it has been properly excavated and preserved.

7. Restoration of Pavement or Road Surface Following Excavation. All permit holders will be responsible for backfilling excavations according to the provisions of subsections 4, 5, and 6 of this section and replacing the road surface to its original condition, thickness, using the same type of material removed by the excavation. Road surface restorations must pass inspection of the Inspector. If found unsatisfactory, the permit holder will remove and replace within two weeks. If two weeks expires and the removal and replacement of the unsatisfactory road surface have not been made by the permit holder, the Street Superintendent will remove and replace the material at the permit holder's expense.

8. Increasing Size of Excavation. No person shall increase the size of any excavation, opening it more than 50 percent of the area provided for in the permit or extend the dimensions of the excavation to such extent that the street or alley will be blockaded, without obtaining the permission of the Inspector.

9. Tunneling. Tunneling will be allowed only when permission is given by the Inspector, excepting under curb and gutter, or sidewalks not over five (5) feet, four (4) inches in width, and whenever tunneling is resorted to, it shall be done with the minimum amount of excavation possible. In case any pavement or sidewalk becomes unsupported, due to caving, or any other cause, to the extent that, in the opinion of the Inspector, backfilling and compacting cannot be made in a satisfactory manner, it shall be removed and replaced following backfilling and compacting in its original condition. Pushing or jacking of cast-iron sewer service pipe under roadways will be permitted, providing the cast-iron pipe is left uncovered at each end so that it can be readily ascertained that no excavation was made by tunneling. In case cast-iron pipe is pushed through an existing service sewer, each end of the existing sewer shall be closed against the cast-iron pipe with cement mortar.

10. Billing and Payment of Charges.

A. Any person who makes an excavation within the City shall be billed for the costs of repairing roadways and pavements, and backfilling excavations on the basis of the rates established by the Council and from the measurements of the Street Superintendent.

B. Such bill shall be issued monthly on or before the fifth day of the month following that in which the work was done, and the amount of such bills shall be paid to the Clerk on or before the fifteenth day of the month in which the bill was issued.

C. The unit prices for street repairs and backfilling, as set by the Council, are for work which is paid for on or before the fifteenth day of the month following that in which the work was done.

D. Any person who fails to pay any bill for street repair or backfilling on or before the fifteenth day of the month in which the bill was issued shall be refused any further permits until such bill has been paid.

11. Fee for Permit. Before any permit required by this section is issued, the person who makes the application shall pay a permit fee in an amount set by resolution of the Council to the Clerk, who shall provide a written receipt therefor.

12. Prerequisites for Issuance for Non-Abutting Paving. A permit required by this section for any excavation in the pavement of any street or alley in front of or abutting property not owned by the person employing the applicant for the permit shall be issued only when a release from the owner of such property is filed with the application. In case the applicant is unable to secure said release and the application is refused by the Inspector for this or any other reason, the applicant shall have the right to petition the Council therefor and if it is approved by the Council, the Inspector shall issue the permit in accordance with this section.

13. License and Bond Prerequisites to Issuance. No permit required by this section shall be issued to any person not holding and having a franchise, license, or contract for which satisfactory bonds have been given to protect and hold the City harmless and otherwise to do and perform all such acts, as the ordinances of the City and the provisions of the contract require.

14. Term; Extension. The time stated in the application during which the work is to be done shall be the same time the permit is valid or in force. Any person requiring an extension of time to complete the work shall present the permit to the Superintendent for extension of the completion date, and no extension of time shall be valid unless signed by the Superintendent.

15. Permit To Be Kept on Job. All permits issued under this section must be kept at the place of excavation while the work is being done and exhibited when called for by the City official having the authority to examine the same.

135.10 STREET CUTS.

1. Application. Prior to any street cut being made, and at least five (5) days prior thereto, application in writing shall be made to the City Inspector for approval.

2. Appeal From City Inspector's Denial. Any person aggrieved by a denial of the application by the City Inspector shall have the right to appeal within thirty (30) days the decision of the City Inspector to the Public Works Committee of the Council.

3. Hearing and Determination. Upon receipt of the notice of appeal, which shall be in writing and delivered to the Clerk, the Public Works Committee shall meet and determine whether the decision of the City Inspector shall be upheld, modified, or reversed. The Public Works Committee shall meet within ten (10) days after receiving the appeal and make the determination provided for within three (3) days after such meeting.

4. Appeal From Committee's Decision. Any person who appealed from the City Inspector's decision to the Public Works Committee, and who desires further review of the Public Works Committee's decision, may appeal from that determination by filing a notice of appeal in writing to the Clerk within ten (10) days after the date that determination is made. The Clerk, upon receipt of the notice, shall notify the Mayor, who shall, within thirty (30) days after receipt of the notice, call the Council together to review the determination of the Public Works Committee. The person appealing shall be notified of the time and place of the meeting of the Council and shall have the right to meet with the Council, either alone or through an attorney, and present arguments as to why the determination of the Public Works Committee should be overturned.

5. Rates and Charges. The Public Works Committee is hereby directed to set reasonable rates and charges for street cuts in the City and is further directed to establish such rates at least yearly and at other times as demanded by factors which, in the opinion of the committee, dictate that such rates be changed, altered, increased, or decreased. The rates shall not be final and binding until approved by the Council.

135.11 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])

135.12 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])

135.13 WINTER MAINTENANCE.

1. **Sequence of Service.** In the implementation of snow and ice removal and other maintenance of the City's street and road system during winter months, the Street Department Superintendent shall select the actual sequence of roads to be cleared and shall determine when drifting, wind velocity and additional snow or snowstorms require that the snow removal equipment be removed from the roadway.

2. **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 so as 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])

3. **Mailboxes Damaged During Snow Removal.** The City shall not replace or repair mailboxes destroyed or damaged during snow removal operations.

4. **Pavement Condition.** It is not the policy of the City to provide a "dry" pavement condition.

135.14 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.

135.15 MAILBOXES. The placement of mailboxes in the City is restricted so that all mailboxes are uniformly on the same side of the street, with placement prohibited on the opposite side. Mailboxes shall be on the designated side of the following streets:

1. Arbutus Avenue, on the south side;
2. Ayres Avenue, on the east side from Fox Avenue to East End Avenue;
3. Boelling Street, on the east side from Central Avenue to Collins Avenue, and on the west side from Central Avenue to Morris Avenue;
4. Brookside Avenue, on the north side from Hanson Avenue to the dead end, and on the south side from Fox Avenue to Home Acres Avenue, and from the railroad tracks to Sunnyside Drive;
5. Brovan Boulevard, on the south side;
6. Burr Oak Avenue, on the east side from Michigan Drive to Gilbert Drive and from Sixth Street to Third Street;
7. Cedar River Boulevard, on the south side;

8. Central Avenue, on the north side from Evans Road to Boelling Street, and on the south side from Boelling Street to North Roosevelt Road and from Home Acres Avenue to Evans Road, and from River Forest Road to Colleen Avenue;
9. Clark Street, on the west side from Lafayette Road to East End Avenue;
10. Colleen Avenue, on the east side from Brookside Avenue to Trail Avenue, and on the west side from Doyle Avenue to Brookside Avenue;
11. Collins Avenue, on the south side from Evans Road to Boelling Street;
12. Dixie Circle, from First Avenue from south going around to north, north side to curve, then south side back to First Avenue;
13. Doyle Avenue, on the north side from Colleen Avenue to Home Acres Avenue;
14. East End Avenue, on the north side from Evans Road to Grand Boulevard and on the south side from Wema Avenue to Home Acres Avenue;
15. Eldene Court, on the east side from Lafayette Road to Highway 20;
16. Elliott Avenue, on the north side from Jones Road to Fox Avenue;
17. Elmer Avenue, on the west side;
18. Enid Street, on the north side from Burr Oak Avenue to Julie Street;
19. Evans Road, on the east side from Lafayette Road to Brookside Avenue;
20. Feldt Avenue, on the north side;
21. Fifth Street, on the south side from Sixth Avenue to McCoy Road;
22. First Street, on the north side from Second Avenue to First Avenue;
23. Fourth Avenue, on the east side from Second Street to Third Street;
24. Fourth Street, on the south side from Second Avenue to Third Avenue;
25. Fox Avenue, on the east side from Elliott Avenue to Trail Avenue, and on the west side from Thomas Avenue to Wellington Apartments and from Trail Avenue to Ray Drive;
26. Gilbert Drive, on the south side, from McCoy Road to Burr Oak Avenue;
27. Hanson Avenue, on the west side;
28. Home Acres Avenue, on the east side from Doyle Avenue to Brookside Avenue and on the west side from East End Avenue to Doyle Avenue;
29. Jones Road, on the west side;
30. Joy Drive, on the north side;
31. Julie Street, on the east side from Gilbert Drive to Enid Street;
32. Lafayette Road, on the south side;
33. Lake Avenue, on the west side from Trail Avenue to Evans Road;
34. Lawrence Avenue, on the west side from Central Avenue to Lafayette Road;
35. Leonard Avenue, on the south side from River Forest Road to Ayres Avenue;
36. McCoy Road, on the east side from Sixth Street to the dump and on the west side from Gilbert Drive to Sixth Street;

37. Marshall Avenue, on the west side from East End Avenue to Morris Avenue;
38. Mary Drive, on the east side;
39. Michigan Drive, on the north side from Burr Oak Avenue to McCoy Road;
40. Miner Drive, on the west side from Lafayette Road to dead end;
41. Morehouse Street, on the south side;
42. Morrell Avenue, on the north side from dead end to Clark Street;
43. Morris Avenue, on the south side, from Marshall Avenue to Boelling Street;
44. Norma Avenue, on the south side;
45. North Roosevelt Road, on the west side from Central Avenue to Highway 20;
46. Oakwood Drive, on the south side from Sixth Street going around to Sixth Street, west to east;
47. Payne Street, on the west side from Collins Avenue to Brookside Avenue;
48. Phillips Avenue, on the south side from River Forest Road to Jones Road;
49. Randall Street, on the east side;
50. Ray Drive, on the south side;
51. Ridge Road, on the south side;
52. River Forest Road, permitted on either side from Lafayette Road to Central Avenue, on the south side from the 1200 block to the end of River Forest Road at Grand Boulevard and on the west side from Central Avenue to the 1200 block;
53. Second Avenue, on the west side from Fourth Street to Gilbert Drive;
54. Second Street, on the north side from Fourth Avenue to Third Avenue and on the south side from Third Avenue to First Avenue;
55. Sipple Avenue, on the east side from Brovan Boulevard to Morrell Avenue;
56. Sixth Street, on the north side from Second Avenue to McCoy Road, and on the south side from Grand Boulevard to Second Avenue;
57. South Evans Road, on the west side from Brookside Avenue to Arbutus Avenue;
58. Sunnyside Drive, on the east side;
59. Third Avenue, on the east side from Second Street to First Street, and on the west side from Sixth Street to Second Street;
60. Third Street, on the north side from Third Avenue to Fourth Street and on the south side from Fourth Avenue to Third Avenue;
61. Thomas Avenue, on the northeast side;
62. Trail Avenue, on the south side from Jones Road to Evans Road;
63. Truman Avenue, on the east side from East End Avenue to Morris Avenue;
64. Wema Avenue, from East End Avenue to Evans Road, west around to north side and on the south side from Evans Road to the railroad tracks.

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