

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, except obstructions may be utilized if in accord with Section 135.17 of the Code of Ordinances.

(Ord. 857 – Aug. 13 Supp.)

(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, or any substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(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 shall dig, excavate or in any manner disturb any street, parking or alley unless such person first obtains a permit therefor as hereinafter provided:

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The

permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Permit Issued. Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

135.10 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 public streets. Maintenance includes responsibility for retaining walls, timely mowing, trimming trees and shrubs, and picking up litter. Maintenance shall not include the removal of diseased trees or dead wood.
(Ord. 774 – Mar. 06 Supp.)

135.11 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])

135.12 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, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

135.13 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.

135.14 CURB CUTS. No person shall cut, break or otherwise alter in any fashion any curb along a public street. The cutting of any curb for any purpose shall be done by the City at the expense of the property owner or person requesting such curb cut.

135.15 ERECTION AND REMOVAL OF STRUCTURES WITHIN PUBLIC RIGHT-OF-WAY.

1. It shall be unlawful to construct, erect, or locate any structure as defined in Section 166.02(57) of the Code of Ordinances, except mail boxes and retaining walls, beyond the lot and property lines and upon any public street or right-of-way. A retaining wall may only be constructed within the public right-of-way provided it is located not less than four (4) feet from the inside curb line of the street abutting said property and only with the prior approval of the Public Works Director.

2. Any structure, or part thereof, located within the public right-of-way, including retaining walls and mail boxes, may be altered, destroyed, or removed by the City for necessary or normal repair and maintenance within the public right-of-way. In such instance, the City shall not be obligated to repair, replace, or otherwise restore said structure to its prior condition and shall not be responsible for any costs incurred in replacing or restoring such structure to its prior condition.

(Ord. 641 – Mar. 99 Supp.)

135.16 PLACEMENT OF GARBAGE/SOLID WASTE CONTAINERS IN PUBLIC RIGHT-OF-WAY. It shall be unlawful to maintain any container used for garbage/solid waste disposal beyond the lot and property lines and upon any right-of-way for a period of more than twenty-four (24) continuous hours. Any such container(s) placed, maintained, or located beyond the lot and property lines and upon any public right-of-way for a period of more than twenty-four (24) continuous hours shall be deemed a public nuisance.

(Ord. 642 – Mar. 99 Supp.)

135.17 OBSTRUCTION OF STREET OR ANY PORTION THEREOF. Any person may make a written application with the City for the purpose of barricading or otherwise blocking a street or a portion thereof to restrict vehicular traffic. The application shall include the street or the portions thereof to be barricaded, the date and the times the barricades are to be erected and removed, and the reasons for the requested barricade. The City Council shall either approve or deny the application. If the application is approved, the City Council may impose any such conditions as it deems reasonable and appropriate under the circumstances. If approved, the applicant shall remit a fee for the use, erection, and the removal of the barricades by the City Public Works Department or its designee. The fee shall be fixed by resolution of the City Council.

(Ord. 857 – Aug. 13 Supp.)