

TITLE VII - TRANSPORTATION  
STREETS AND ALLEYS

CHAPTER 175  
USE AND MAINTENANCE

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175.01 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)

175.02 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)

175.03 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)

175.04 PLAYING OR CELEBRATING IN. It is unlawful for any person to coast, sled or play games or hold any festival or special event on streets or alleys not vacated, except in the areas temporarily closed by the City and properly barricaded for such purposes.

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

175.05 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.

175.06 USE FOR BUSINESS PURPOSES.

1. Placing Business Wares On. 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.
2. Billboards and Signs. No billboard, advertising sign or device, fence other than right-of-way boundary fence, or other obstruction except signs or devices authorized by law or approved by the Council shall be placed or erected upon the right-of-way including State primary highways when the City has an agreement for maintenance thereof with IDOT. The provisions of Section 319.10 and 319.12 of the Iowa Code shall apply and unauthorized billboards, advertising signs or devices, etc. may be removed in accordance with Section 319.13 of the Code of Iowa.

175.07 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 shall not be construed to prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

175.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any asphaltic concrete or bituminous surfaced street. In addition, no person shall burn such materials on any street at any times burning is restricted as provided in Section 105.05 of these Ordinances.

*(Ord. 869 - May 03 Supp.)*

175.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any public right-of-way and/or public easement except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A permit is not required if the associated excavation(s) is (are) less than 18 inches deep and can be accomplished without the removal of pavement or the obstruction of a street. Planting regulated in Section 165.01(3), trees regulated in Chapter 142, and landscaping not including fountains, fencing and boulders are exempt from the permit requirement. A written application for such permit shall be filed with the City and shall contain the following:

*(Ord. 794 - Nov. 99 Supp.)*

- A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate; a map may be required; and
  - 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; including the name, address and telephone number of the local representative; 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. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section.

In lieu of a surety bond, for seal coat and asphalt surface streets only, a cash deposit of one hundred dollars (\$100.00) may be filed with the City for up to 160 sq. ft. of excavation area. Larger areas will be prorated. The City may replace such surface for this amount deposited.
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 Fee. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding one hundred (100) feet in length. An additional fee in an amount set by resolution of the Council shall be required for every additional one hundred (100) feet or major fraction thereof, of main excavation.

A. Joint applicants for the same excavation (not done by City) may share in the payment of the applicable fees.

B. The City may allow applicant to pay such fees within thirty (30) days of billing.

C. Permit fees shall be waived in recognition of the payment of franchise fees paid by a franchised utility.

10. Permit Issued. Upon approval of the application, filing of bond or deposit, and payment of any required fees, a permit shall be issued.

A. Excavators operating under a public improvement contract with the City and City departments are exempt from the permit requirement.

B. In areas of new construction of a sewer, water, gas main or telephone trunk line, residents may connect thereto without first making a deposit or paying a permit fee, said connection to be made not less than sixty (60) days after the construction of said sewer, water, gas or other line.

C. A public right-of-way licensee that: (1) has been denied an excavator's license; (2) has been denied an excavation permit; (3) has had a permit revoked; or (4) believes that the fees imposed are invalid or excessive, may have the denial, revocation or fee imposition reviewed, upon written request, by the Council.

11. Other Obligations.

A. Iowa One Call. Neither this permit, nor exemption from this permit, relieves the excavator from compliance with the requirements of Chapter 480 of the Code of Iowa.

B. Utility Accommodation Policy on State Primary Road Rights-of-Way. IDOT restrictions on placements or prior permission, or cooperative Federal, State, City jurisdictions provided by Section 306A.3 of the Code of Iowa for controlled-access facilities.

C. Tunneling. No person shall tunnel under the surface of any City public right-of-way for the purpose of making any gas, sewer, steam heating pipe, underground electric, telecommunications, telephone or cable television connection without special permission from the Streets Superintendent.

*(Ord. 774 – Mar. 99 Supp.)*

175.10 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 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])

175.11 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])

175.12 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. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

175.13 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.