

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 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 Public Works Director and 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. 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, a cash deposit of \$1,000.00 may be filed with the City.

5. 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 per accident.

6. 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.

7. Inspection. All work shall be subject to inspection by the Public Works Director. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the Public Works Director. The permit holder/property owner shall provide the Public Works Director with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. 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.

9. 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.

10. 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*.

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

11. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

135.10 MAINTENANCE OF BOULEVARD OR TERRACE.

1. Purpose. It is the purpose and intent of the City that boulevards be constructed and maintained to enhance and improve the aesthetic appearance of City streets and highways as an aid to maintaining the quality and livability of the residential neighborhoods of the City.
2. Definitions. That part of all streets lying between the property line and the roadway shall be known and designated as "boulevards." That part of a boulevard lying between the sidewalk and the roadway which operates as a linear extension of a walkway extending from a building entrance to such sidewalk shall be known and designated as a "carriage walk." (Ord. 686-18-Feb-20 Supp.)
3. Boulevard Maintenance. It is the responsibility of the abutting property owner to maintain all property outside the lot and property line 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.
4. Vegetation Prohibited. The growing or planting of any weed or similar noxious plant or vegetation on any boulevard is prohibited.
5. Vegetation Permitted. The growing or planting of vegetables, fruits, hedges or similar plants or vegetation on boulevards shall be permitted upon issuance of a permit therefor by the Council, on the following conditions:
 - A. Vegetation grown on that part of any boulevards between the sidewalk and the roadway shall not exceed twenty-four (24) inches in height except for vegetation grown within forty (40) feet of an intersection or ten (10) feet of an alley or driveway approach which shall not exceed eighteen (18) inches in height.
 - B. The growing of grass in compliance with Section 151.07 of this Code, and flowers in compliance with paragraph A of this subsection on boulevards is exempt from the requirements of this section.

The Director of Public Works shall process and forward all applications for such permit to the Council and recommend whether the permit should be granted.

6. Carriage Walks. No person shall construct or place any carriage walk upon any boulevard without first obtaining a permit. Such carriage walk shall be constructed of

concrete, or of brick if approved by the Director of Public Works. In no event shall the carriage walk exceed six (6) feet in width or be constructed of blacktop, asphalt or similar material.

7. **Paving Permit Required.** Other than such carriage walk, no person shall pave over or cover any boulevard unless a permit has been granted by the Council upon a finding that paving or covering of the boulevard will not have a substantially negative impact on the aesthetic appearance of adjacent residential properties. The Director of Public Works shall process and forward all applications for such permit to the Council and recommend whether the permit should be granted. In no event shall any person use blacktop, asphalt, gravel or any similar material to pave over or cover any portion of the boulevard.
8. **Compliance Requirements.** If the Director of Public Works determines that a property is in violation of this section, then said officer shall send a notice to the property owner by certified mail, which notice shall describe for the property owner the alleged violation. The property owner shall be given sixty (60) days in which to bring his or her property into compliance. If the affected property owner disputes the determination of the Director of Public Works, then the said property owner may appeal the decision of the Director of Public Works to the Council within sixty (60) days after receiving the notice from the Director of Public Works. Once the property has been determined to be in violation of this section, and upon failure by the property owner to bring the affected property into compliance with this section, then the City may take such steps as are necessary to bring the property into compliance and assess the reasonable costs thereof against the affected property.
9. **Exemptions.**
 - A. Property located in C-1, C-2, I-1, and I-2 zoning districts is exempt from the provisions of this section unless such property is located contiguous to any residentially zoned property.
 - B. Property used for nonresidential educational purposes is exempt from the provision of this section to the extent that properly designated and constructed vehicle loading areas are created on the boulevard adjacent to such property.
 - C. Bicycle and/or pedestrian paths constructed by the City or the Park Board are exempt from the provisions of this section.

135.11 FAILURE TO MAINTAIN BOULEVARD 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 CURB CUTS. No owner of property shall cut or lower the level of a street curb without first obtaining approval from the Council. A property owner wishing to lower the level of the street curb shall apply to the Council for such, and the Council shall vote on the application at any regular or special meeting.

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.