
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.

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 therefore. A written application for such permit shall be filed with the City 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 metro standard specifications 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. A street/lane closure notice will need to be submitted and approved when lane or street closures are needed, prior to any closure.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of ten thousand dollars (\$10,000.00) 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 ten thousand (\$10,000.00) 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 - \$1,000,000.00 per person; \$2,000,000.00 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 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.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of forty-eight (48) 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. Permit Fee. The application for the permit shall be accompanied by a payment to the Clerk based on the fee schedule set by resolution and no permit shall be issued until such fee has been paid. A separate permit shall be required for each excavation.

11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

12. Utility Companies. Unless prohibited by an existing franchise agreement, utility companies shall comply with all pertinent provisions and shall post with the City a yearly bond in the amount of ten thousand dollars (\$10,000.00), this is in lieu of individual bonds for every project performed, to guarantee such compliance. Contractors performing work on a utility company's behalf shall either post a yearly bond in the amount of ten thousand dollars (\$10,000.00) or post a bond, as outlined above, for each excavation permit that is issued by the City.

13. Permit Exemption. Excavation permits will not be required on work that would already be covered by either a sidewalk and/or approach permit. However, if the scope of that previously permitted work extends beyond what the permit(s) issued cover, then an excavation permit would be required.

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 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])

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

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

(Ch. 135 - Ord. 800 - Dec. 15 Supp.)

135.13 UNDERGROUND IRRIGATION SYSTEMS IN PARKING.

Abutting property owners may install and maintain underground lawn irrigation systems in the parking, provided that all related equipment, except necessary and direct connections from the water supply to the underground irrigation system, is located solely in an area within one foot (1') of the street side of the sidewalk, or between five (5) and six feet (6') of the property line in areas where sidewalks are not installed. Abutting property owners acting pursuant to these provisions do so at their own risk and without any right, title or interest in the parking or in the free use and enjoyment of the parking for the purpose allowed in this section. Abutting property owners acting pursuant to this section should take notice of the fact that installations in the parking will be subject to damage or destruction at any time that the city or a person with a utility easement deems it necessary to enter upon the parking for construction, maintenance or any other purpose. Removal of underground lawn irrigation systems may be required at any time by the city.

(Ord. 813 - Dec. 16 Supp.)