

CHAPTER 140

STREET USE AND MAINTENANCE

140.01 Removal of Warning Devices

140.02 Obstructing or Defacing

140.03 Placing Debris On

140.04 Playing In

140.05 Traveling on Barricaded Street or Alley

140.06 Use for Business Purposes

140.07 Washing Vehicles

140.08 Burning Prohibited

140.09 Maintenance of Parking or Terrace

140.10 Failure to Maintain Parking or Terrace

140.11 Dumping of Snow

140.12 Access on Public Streets; Variances

140.13 Encroachments

140.01 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)

140.02 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)

140.03 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)

140.04 PLAYING IN. It is unlawful for any person to coast, sled, skateboard, roller blade or play games on streets or alleys, except in the areas blocked off or otherwise designated by the City for such purposes. It is unlawful for any person to coast, sled, skateboard, roller blade or play games on a City sidewalk within the Business District as defined in section 60.02(1) of this Code of Ordinances.

(Ord. 02-27 – Feb. 03 Supp.)

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

140.05 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.

140.06 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.

140.07 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.

140.08 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.

140.09 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])

140.10 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])

140.11 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])

140.12 ACCESS ON PUBLIC STREETS; VARIANCES. The City Engineer shall not authorize any public or private access to a public street, except in accordance with the provisions of the latest edition of SUDAS as approved by the City Council. Variances and appeals from the access standards referenced in this section may be taken to the Council. Variances may be granted where the exercise of sound and reasonable judgment indicates that the literal enforcement of the criteria would cause an undue hardship to any interested party. The nonrefundable fee for applying for an access permit shall be established by Council resolution to reflect the current costs of issuing the permit and supervising, regulating, and inspecting the work.

(Ord. 15-24 – Feb. 16 Supp.)

140.13 ENCROACHMENTS.

1. Permit Required. No person shall create, construct, use or maintain upon, over or under the surface of any publicly owned real property or right-of-way within the City any structure or animate thing or other encroachment of a private character, unless and until City permission is granted and a written permit has been issued therefor according to the following procedure. Exception: Standard mailboxes may be installed without an encroachment permit if they are designed to bend or fall away when struck by a vehicle and constructed in accordance with the specifications for mailboxes erected on highways published by the American Association of State Highway and Transportation Officials. For the purpose of this subsection, a standard mailbox consists of a lightweight sheet metal box meeting the specifications of the United States Postal Service. Any person installing a mailbox that is more expensive than a standard mailbox assumes all of the risk that it may be damaged by the weight or force of a snowplow plowing snow. Mailboxes of any kind not designed to bend or fall away when struck by a vehicle are strictly prohibited and are a nuisance that may be subject to abatement.

(Ord. 06-19 – Nov. 06 Supp.)

2. Application. An application for an encroachment permit shall be made in writing to the Council and accompanied by a complete plan in detail of the proposed encroachment.

3. Approval. The Council may, after investigation, approve, modify or reject an application for an encroachment permit. It may require as a condition precedent to the issuance of a permit that the property owner enter into a contract with the City and furnish a corporate surety bond in an amount fixed by the Council conditioned to hold the City harmless from any damages or expense of any nature sustained by the City or any person or persons by reason of the encroachment for which the permit is issued.

4. Revocation. All encroachment permits shall expire one year from the date of issuance but shall automatically renew each year for an additional one year, unless the City provides a written notice to the permit holder, by ordinary mail, that the permit will not be automatically renewed. All permits are subject to revocation prior to expiration provided that the City provides at least 20 days notice of its intent to revoke the permit and provides the opportunity for a hearing thereon. The Council shall revoke a permit previously issued hereunder whenever it finds that the permit conflicts or interferes with the City's current need to use its street or property.

5. Issuance of Permit. Upon approval of an application for an encroachment permit by the Council, the Clerk shall, upon filing of a bond, if required, collect the payment of the nonrefundable permit issuance fee and issue the permit and retain a record thereof.

(Ord. 08-14 – Aug. 08 Supp.)

6. This section does not apply to encroachments carried out under the provisions of Chapter 146 of this Code of ordinances nor to utility companies performing work in the right-of-way under their franchise agreement.

(Ord. 02-01 – Feb. 02 Supp.)