

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 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. The permit holder/property owner must call the Iowa One Call service at least forty-eight (48) hours prior to making any excavation.
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 bond 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

property, and payment of all cost incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of like amount may be filed with the City. The bond/deposit shall apply to the following:

A. For streets or alleys with asphalt or concrete surface 7 years old or less, the bond/deposit shall be \$3,000. Upon restoration of the street surface in accordance with Section 135.09(6), said bond/deposit shall be returned to the applicant less any cost incurred by the City.

B. For streets or alleys with asphalt or concrete surface over 7 years of age and for all other street surfaces, the bond/deposit shall be \$250. Upon restoration of the street surface in accordance with Section 135.09(6), said bond/deposit shall be returned to the applicant less any cost incurred by 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 — \$100,000.00 per person; \$250,000.00 per accident.

B. Property Damage — \$100,000.00 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 at the expense of the permit holder/property owner, in accordance with the following:

A. To replace a seal-coated street, the excavator MUST prepare the base of the area excavated with an eight-inch (8") $\frac{3}{4}$ -inch (Class A) road rock base. The excavated area needs to be compacted to prevent settling of the area. Additional rock required after the area has settled will be the excavator's responsibility. The City's Street Department will seal-coat the excavated area and charge the excavator the current market value of materials and labor.

B. To replace a gravel street or alley the excavator MUST replace the section of street excavated with an eight-inch (8") $\frac{3}{4}$ -inch road rock (Class A) back to its original condition before excavation. Excavators are responsible for any settling of the street in the excavated area.

C. To replace a paved street or alley, the excavator MUST saw or cut the pavement in a straight line. If the area to be replaced lies within five (5) feet of the pavement joint, then the excavator must replace the pavement to that joint. The base for the replaced section of street MUST consist of eight-inch (8") $\frac{3}{4}$ -inch road rock (Class A) and must be compacted before concrete is poured. The thickness of the pavement being replaced MUST be one inch thicker than the original pavement. For example, if the original pavement depth was six (6) inches, then the pavement to be replaced must be at least seven (7) inches in depth, in order to be approved when the Street Superintendent inspects the replaced section of the street. The excavator MUST barricade the area around the replaced section of street for at least seven (7) days after the concrete has been poured.

D. To replace an asphalt street or alley, the excavator MUST saw or cut the pavement in a straight line. The base for the replaced section of street MUST consist of eight-inch (8") $\frac{3}{4}$ -inch road rock (Class A) and must be compacted before the asphalt is laid. The thickness of the pavement being replaced MUST be one inch thicker than the original asphalt. For example, if the original asphalt depth was two inches, then the asphalt must be replaced to three inches in depth, in order to be approved when the Street Superintendent inspects the replaced section of the street.

E. Backfill material should be compacted every nine (9) inches for the first eighteen (18) inches and every twelve (12) inches thereafter to a point twelve (12) inches below the surface. A crushed stone (Class A) $\frac{3}{4}$ -inch road rock base material, eight (8) inches thick, shall be compacted into the trench.

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 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 therefore 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 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 and shall post with the City a yearly bond in the amount of two hundred fifty dollars (\$250.00) to guarantee such compliance.

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[1c])

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])

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.