

TITLE IV

STREETS

ARTICLE 0

STREET REGULATIONS

40.1 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof. (Code of Iowa, 1999, §716.1)

40.2 OBSTRUCTION OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner. (Code of Iowa, 1999, §716.1)

40.3 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, gasoline, oil, other combustible materials, grass clippings, leaves or any other debris, or any other substance likely to injure any person, animal or vehicle. (Code of Iowa, 1999, §321.369)

40.3A DUMPING OF SNOW. It shall be unlawful for any person to throw, push, place, or cause to be thrown, pushed or placed any ice or snow from private property, sidewalks, or driveways onto the travelled portion of the street or alley so as to obstruct gutters, 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 more snow onto a street or alley temporarily. Such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulation shall be made prior to moving the snow onto the street or alley. Any person who violates the above section with regard to the dumping of snow may, after a notice of fine is given, admit such violation by payment of the fine as follows: If paid to the City Clerk within seven days of notice, the fine shall be \$25.00; If not paid within seven days, the fine shall be considered a contested citation and cited through Magistrate Court in the same manner as any other violation of the City Code.

40.4 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways, except in the areas blocked off by resolution of council for such purposes. [Code of Iowa, 1999, §364.12 (2)]

40.5 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way 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.

40.6 USE OF PARKINGS. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind between the inside of the curb and the private property owner's boundary without permission of the council.

40.7 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

40.8 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street 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 own vehicle or equipment when it is lawfully parked in the street.

40.9 BURNING PROHIBITED. No person shall burn any trash, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.

40.10 EXCAVATIONS. The following shall apply to permit and application procedures for those wanting to excavate within any public street.

1. Permit. No person shall dig, excavate or in any manner disturb any street in the city, unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the city code.
2. Application. Before such permit shall be granted, the person shall file with the clerk a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.
3. Fee. When the surface of any street has been permanently improved with a rock base and seal coat, asphalt, or concrete, anyone who wishes to dig, excavate, or disturb the street in any manner for the purpose of installing or repairing sewer or water service connections shall pay a permit fee in the sum of two hundred dollars \$200.00.
4. Bond and Costs. All work done under this section for the breaking and cutting of the surface of the street, for the installation of such utility connections and for the restoration of the street shall be performed by a bonded contractor at the expense of the property owner making such repair or installation and it shall be the duty of such property owner to restore the said street, curb and gutter to the condition such street, curb and gutter were in prior to such cutting or breaking.

40.11 DRIVEWAY CULVERTS. The property owner shall, at his own expense, install any culvert deemed necessary under any driveway or any other access to his 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 he 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 auditor and specially assessed against the property as by law provided.

40.12 USE OF STREETS DURING CONSTRUCTION. It shall be lawful for any person constructing a building or buildings or making any improvements upon property which lies adjacent to any street, avenue or alley to use a reasonable portion of said street, avenue, highway or alley adjacent to such building or improvement, providing he first makes application to the council asking the council to grant a permit for the deposit of the building materials, upon the said street, setting forth the purpose for which the materials are to be used and the time the same shall remain upon the said street and agrees to erect barricades and lights and upon such application being filed with the council, in its discretion, may grant a permit to the said person for the depositing of building materials upon the said street for a reasonable length of time, providing, however, such use shall be confined to one-third (1/3) of the width of any street between the curbs thereof and the said person granted such permit must keep the gutters thereon clear of all obstruction and must maintain such street and surroundings free from anything dangerous or inconvenient for public travel and traffic on account of such construction or improvement.

40.13 PENALTIES. Any violation of Sections 40.1 through 40.13 shall be a simple misdemeanor.

40.14 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as part of subdivision or platting procedure, shall be named by resolution.
3. Planning Commission. Proposed street names may be referred to the Planning Commission for review and recommendation.

40.15 CHANGING NAME OF STREET. The council may by resolution change the name of a street. (Code of Iowa, 1999, §409.17)

40.16 RECORDING STREET NAMES. Following adoption of a resolution naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor. (Code of Iowa, 1999, §409.17)

40.17 OFFICIAL STREET NAME MAP. Streets within the city are named as shown on the Official Street Name Map that is hereby adopted by reference and declared to be a part of this article. The Official Street Name Map shall be identified by the signature of the mayor, and bearing the seal of the city under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 40.17 of the City Code of New Hampton, Iowa".

40.18 REVISION OF STREET NAME MAP. If, in accordance with the provisions of this article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the council with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following changes were made in the Official Street Name Map: (brief description)", which entry shall be signed by the mayor and attested by the clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

40.19 POWER TO VACATE. When, in the judgment of the council, it would be in the best interest of the city to vacate a street or alley or portion thereof, they may do so in accordance with the provisions of this article or state law. [Code of Iowa, 1999, §364.12 (2a)]

40.20 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street or alley shall be referred by the council to the planning commission for it's study and recommendation prior to further consideration by the council. The planning commission shall submit a written report including recommendations to the council within thirty (30) days of the date the proposed vacation was referred to it. (Code of Iowa, 1999, §392.1)

40.21 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered.

40.22 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and therefor, its' maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property. (Code of Iowa, 1999, §364.15)

40.23 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they might do so by resolution following notice and hearing. (Code of Iowa, 1999, §364.7)

40.24 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose. [Code of Iowa, 1999, §364.7 (3)]

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

ORDINANCE NO.	ADOPTED
214	July 5, 1906
256	July 19, 1916
262	July 18, 1917
279	October 11, 1922
289	November 1, 1926
310	October 19, 1938
313	March 5, 1939
317	November 1, 1939
343	June 21, 1948
396	May 15, 1961
431	June 7, 1965
453	October 2, 1967
464	June 19, 1969
471	November 17, 1969
474	January 20, 1970
489	December 4, 1972
521	June 1, 1976
587	May 18, 1981
662	August 15, 1988
671	December 4, 1999
672	January 15, 1990
712	July 17, 1999

40.25 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

40.26 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

ORDINANCE NO.	ADOPTED
82	June 16, 1883
83	June 19, 1883
84	September 10, 1883
141	July 7, 1897
142	July 7, 1897
191	February 17, 1902
227	May 3, 1911
238	May 1, 1912
243	July 10, 1913
244	August 6, 1913
258	July 19, 1916
284	April 16, 1924
308	August 3, 1938
365	July 9, 1953
373	May 9, 1955
409	November 19, 1962
440	June 20, 1966
495	June 18, 1973
501	May 23, 1974
507	April 7, 1975
513	August 4, 1975
525	June 28, 1976
573	May 26, 1981

40.27 TEMPORARY EMBARGO. If the council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs. (Code of Iowa, 1999, §321.471 & 472)

40.28 PERMITS FOR EXCESS SIZE AND WEIGHT. The police chief may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance. (Code of Iowa, 1999, §321.473, 321E.1)

40.29 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time. Such load limits shall be approved by resolution. (Code of Iowa, 1999, §321.473 & 475)

1. See Subsection 40.32.

40.30 LOAD LIMITS ON BRIDGES. Where it has been determined that any city bridge has a capacity less than the maximum permitted on the streets of the city, or on the street serving the bridge, the police chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit. (Code of Iowa, 1999, §321.473)

40.31 TRUCK ROUTE.

(A) Trucks weighing more than three (3) tons gross will use only the following streets within the corporate limits of the City of New Hampton:

1. Linn Avenue.
2. Main Street.
3. Logan Street East of Linn Avenue.
4. Milwaukee Street West of Linn Avenue.
5. Spring Street between Linn Avenue and Water Avenue.
6. Prospect Street between Linn Avenue and Water Avenue.
7. Water Avenue between Prospect Street and Spring Street.

(B) FARM EQUIPMENT AND VEHICLES OWNED BY A GOVERNMENT ENTITY. Farm equipment and vehicles owned by a government entity weighing more than three tons will use the streets provided for above for trucks and may also use Pleasant Hill Avenue North of Main Street and Milwaukee Street between Linn Avenue and Pleasant Hill Ave.

40.32 EXCEPTION. Trucks and farm equipment weighing more than three (3) tons gross shall be allowed to leave the truck route to pick up items to be hauled and deliver items which have been hauled at addresses not located on the truck route and to undertake repairs or maintenance to the truck itself, but they shall leave the truck route only at the intersection allowing the shortest permissible route to the destination point and shall return to the truck route in the same manner.

40.33 PARKING. A truck weighing more than three tons gross maybe driven by the most direct route from the truck route to the residence of the driver, if not located on the truck route, but may not be parked on the street. To the extent not prohibited by any other ordinance, trucks may be parked on any street included in the truck route.

40.34 WEIGHING. Any peace officer shall have the authority to require any person

driving or in control of a commercial vehicle not proceeding over a truck route to proceed to a public or private scale available for the purpose of weighing and determining whether this article has been violated.

ARTICLE 1 CONTROLLED ACCESS FACILITIES

41.1 EXERCISE OF POLICE POWER. This article shall be deemed an exercise of the police power of the city under Chapter 306A, Code of Iowa, 1999, for the preservation of the public peace, health, safety and for the promotion of the general welfare. (Code of Iowa, 1999, §306A.1)

41.2 DEFINITION. The term "controlled access facility" shall mean a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason. (Code of Iowa, 1999, §306A.2)

41.3 RIGHT OF ACCESS LIMITED. No person shall have any right of ingress or egress to, from or across any controlled access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by ordinance. (Code of Iowa, 1999, §306A.4)

41.4 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It shall be unlawful for any person to: (Code of Iowa, 1999, §306A.3)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line that separates such service road from the controlled access facility property.

41.5 SPEED LIMITS. The maximum speed limit on controlled access facilities is established as follows:

1. 20 mph on Main Street from 268 feet west of the centerline of Bigelow Street to Linn Avenue.

2. 35 mph on Main Street from 268 feet west of the centerline of Bigelow Street to the east city limits.
3. 35 mph on Milwaukee Street from the intersection of Linn Avenue and Milwaukee Street to 1320 feet west of the centerline of Linn Avenue.
4. 45 mph on Milwaukee Street from 1320 feet west of the centerline of Linn Avenue to the west city limits.
5. 40 mph on Linn Avenue from 450 feet north of the Junction U.S. 18 to the north city limits.
6. 35 mph on Linn Avenue from 450 feet north of Junction U.S. 18 to 150 feet north of the centerline of Prospect.
7. 25 mph on Linn Avenue from 150 feet north of the centerline of Prospect to 200 feet south of the centerline of Hamilton.
8. 35 mph on Linn Avenue from 200 feet south of the centerline of Hamilton to 50 feet south of the centerline of Underwood.
9. 35 mph on Linn Avenue from 50 feet south of the centerline of Underwood to the south city limits.

41.6 PARKING RESTRICTED. There shall be no parking of vehicles on or along controlled access facilities as follows:

1. On West Milwaukee Street or on Linn Avenue.
2. Within seventy-five (75) feet along the east approach to the Linn Avenue and Main Street intersection.
3. On Main Street east and west of its intersections with Chestnut, Walnut and Locust Avenues for a distance of:
 - (A) Ten (10) feet back of the nearest crosswalks or traffic signals along the intersections' approach halves of Main Street to said intersections.
 - (B) Five (5) feet back of the nearest crosswalks along the exit halves of Main Street from said intersections.
4. On Main Street east and west of its intersection with Water Avenue for a distance of:
 - (A) Fifty-five (55) feet back from such intersection's nearest crosswalks along the

approach halves of Main Street to said intersection.

(B) Twenty-two (22) feet back from such intersection's nearest crosswalks along the exit half of Main Street from said intersection.

5. On Chestnut, Walnut and Locust Avenues north and south of their intersections with Main Street for a distance of:
 - (A) Ten (10) feet back of such intersection's nearest crosswalks or stop signs along the approach halves of said avenues to said intersections.
 - (B) Twenty-two (22) feet back of such intersection's nearest crosswalks along the exit halves of said avenues from said intersections.
6. On Water Avenue north and south of its intersection with Main Street for a distance of thirty-five (35) feet back of said intersection's nearest crosswalks along the exit half of said avenue from said intersection.
7. On Water Avenue south of its intersection with Main Street for a distance of thirty-five (35) feet back of said intersection's nearest crosswalk or stop sign along the approach half of said avenue to said intersection.
8. On Water Avenue north of its intersection with Main Street and starting at a point on the north side of said intersection's nearest crosswalk and at the west edge of the through lane, thence north thirty-five (35) feet, thence forty-five (45) degrees southwest to the street curbing, thence south on the north side of said crosswalk and thence east to point of beginning.
9. Diagonally on West Milwaukee, Linn Avenue and Main Street, a single line of parallel parking is permitted along said streets except as herein limited.
10. On East Main Street from 177 feet east of the centerline of Water Avenue East to the city limits.
11. Approaches and Exits. Parking of any nature is prohibited for a distance of fifteen (15) feet in advance of the stop sign on approach sides of minor streets and for a distance of fifteen (15) feet beyond the crosswalks on the exit sides of the minor streets.

EDITOR'S NOTE

Sections 8 1.0204 and 1.0206 from the 1979 Municipal Code are not codified herein and are specifically saved from repeal. They impose access controls and permit access points.

ARTICLE 2

BUILDING NUMBERING

42.1 DEFINITIONS. For use in this article, the following terms shall be defined:

1. "Principal Building": shall mean the main building on any lot or subdivision thereof.
2. "Owner": shall mean the owner of the principal building.

42.2 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. He shall obtain the assigned number to his principal building from the clerk. [Code of Iowa, 1999, §364.12 (3d)]
2. Display Building Number. He shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (1/2) inches in height and of a contrasting color with their background. [Code of Iowa, 1999, §364.12 (3d)]
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax. [Code of Iowa, 1999, §364.12 (3h)]

42.3 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map.

ARTICLE 3 SIDEWALK REGULATIONS

43.1 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.
2. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
3. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
4. "Portland Cement": shall mean any type of cement except bituminous cement.
5. "One-course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.

6. "Established Grade": shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.

43.2 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. [Code of Iowa, 1999, §364.12 (2c)]

43.3 FAILURE TO MAINTAIN PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit. (Code of Iowa, 1999, §364.14)

43.4 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. [Code of Iowa, 1999, §364.12 (2d & e)]

43.5 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three- (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. Sidewalk Bed. The sidewalk bed shall be graded to the established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least five (5) feet wide and four (4) inches thick, and each section shall be no more than five (5) feet in length.
 - B. Business district sidewalks shall be of such thickness, width and length and in such sections as specified and directed by the director of public works prior to installation.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the council shall establish a different distance due to circumstances.
7. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk, except at locations where the sidewalk intersects with motor vehicle traffic ways and where a different elevation is necessary to provide reasonable access for the traffic way, the sidewalk maybe sloped from either edge of the intersecting traffic way at a rate of not more than one-inch of rise per 12 inches lineal distance. The Superintendent of Streets is granted the authority to permit deviation from this standard where he deems it necessary in unusual or extreme cases. All sidewalks shall be elevated one-inch above adjoining ground.
8. Slope. All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb.
9. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
10. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block, which shall be located on, or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per (8) inches lineal distance may be used where necessary, shall have a non-skid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk. (Code of Iowa, 1999, §601D.9)

43.6 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax. [Code of Iowa, 1999, §364.12 (2b & e).

43.7 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over

any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians. All of the roof or covering or the awning shall be made of canvas or other suitable material approved by the zoning administrator.

43.8 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

43.9 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk, except that any main entrance to a building may open out directly onto the sidewalk.

43.10 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

43.11 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

43.12 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk. (Code of Iowa, 1999, §716.1)

43.13 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle. [Code of Iowa, 1999, §364.12 (2)]

43.14 MERCHANDISE DISPLAY. In the Business district, pedestrians shall have the free and uninterrupted right of passage on public sidewalks, but business operators may display their goods and merchandise in the sidewalk area that is within 6 feet of the building.

43.15 SALES STANDS OR VENDING MACHINES. It shall be unlawful for a person to erect or keep any stand or vending machines for the sale of fruit, vegetables, candy, soft

drinks, or other substances or commodities on any sidewalk without first obtaining a written permit from the council.

43.16 SIDEWALK REMOVAL. It shall be unlawful for any person to remove or cause removal of any of the existing sidewalk that is outside the lot and property lines without first securing written permission from the Street Superintendent. If the Street Superintendent declines to give permission to remove the existing sidewalk, the person who desires to do so may appeal to the Council for permission to do so within 20 days of the denial of the request. Any such permission to remove sidewalk shall be conditioned upon the owner's written agreement to reinstall if directed by the City or if a neighbor has installed sidewalk that would connect to it.

43.17 PENALTIES. Any violation of Sections 43.1 through 43.16 shall be a simple misdemeanor.

ARTICLE 4 RAILROAD REGULATIONS

44.1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Railroad Train": shall mean any engine or locomotive with or without cars coupled thereto operated on rails. [Code of Iowa, 1999, §321.1 (29).
2. "Operator": shall mean any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.

44.2 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed. Operators shall also sound a whistle at least one hundred (100) feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the city limits. (Code of Iowa, 1999, §327G.13)

44.3 OBSTRUCTING STREETS. A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except: (Code of Iowa, 1999, §327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety

regulations including, but not limited to, speed ordinances and speed regulations.

5. In Motion. When the train is in motion except while engaged in switching operations.

6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

Any officer or employee of a railroad corporation violating any provision of this section shall be guilty of a serious misdemeanor. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the Railroad Corporation.

44.4 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails. [Bourett vs. Chicago & NW Ry. 1 Iowa 579, 132 N.W.973 (1943), Code of Iowa, 1999, §364.11]

44.5 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car or cars' approach.

ARTICLE 5 DRIVEWAY REGULATIONS

45.1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Driveway": shall mean that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. "Paving": shall include any kind of hard surfacing including, but not limited to, Portland cement, concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" shall not include surfacing with oil, gravel, oil and gravel, or chloride.

45.2 DRIVEWAY REQUIREMENTS. All driveways shall meet the following minimum construction requirements:

1. Thickness. Driveways shall be paved and shall be not less than four (4) inches thick.
2. Width. Residential curb cuts shall be sixteen (16) feet for a single drive and twenty-four (24) feet for a double drive, and 32 feet for a triple drive or commercial cuts. A different width may be specifically approved by the council according to plans and specifications adopted by resolution. Curb cuts shall be made only after obtaining a

permit from the street superintendent. Applicants shall include a design sketch showing expansion joints.

3. Expansion Joints. Expansion joints of not less than one inch of approved material shall be placed at each edge of sidewalk and at the edge of the paving or curb.