

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.09 Excavations
135.02 Obstructing or Defacing	135.10 Property Owner's Responsibility for 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 City 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, including boring or trenching of utility work in the City right-of-way, except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. 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 that 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 \$2,000.00 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 \$2,000.00 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 - \$50,000.00 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, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 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 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 for such work 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 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 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*.
11. Permit Fee. Fees for issuance of the permission, inspection, and investigation, pursuant to this section shall be set by the Council by resolution and shall be paid to the City in advance of issuance of the permission.
12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. 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, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. Only vegetation is allowed within the City right-of-way. No landscaping rocks, mulch, gravel, or other material is allowed. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]
(Code of Iowa, Sec. 364.12[2c])

135.11 FAILURE TO MAINTAIN. 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 portion of a 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 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

[†]**EDITOR'S NOTE:** See also Section 142.04 relating to property owner's responsibility for maintenance of sidewalks.

such accumulations shall be made prior to moving the snow onto the street or alley. The following is an exception to the dumping of snow:

1. In the downtown business district, along Main Street from Linn Avenue to Water Avenue, and along Walnut Avenue, Chestnut Avenue, Locust Avenue, and Water Avenue between Prospect Street and Spring Street, property owners may remove snow from the sidewalks only to the street prior to City staff plowing the streets.

Any person who violates this section with regard to the dumping of snow may, after a notice of fine is given, admit such violation by payment of the fine approved by resolution set by the Council.

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.

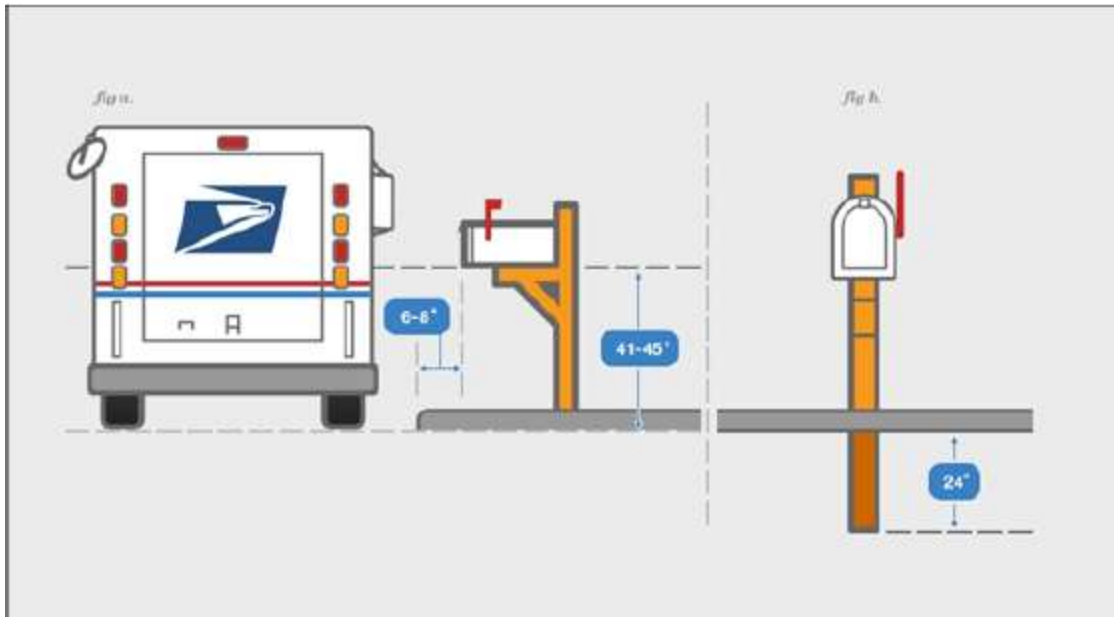
135.14 OBSTRUCTION IN STREETS.

1. **Obstructions Generally.** It is a misdemeanor for any person to place, deposit, display, or offer for sale any fence, goods, or other obstructions upon, over, across, or under any public property without first having obtained a written permit from the Public Works Director, and then only in compliance in all respects with the terms and conditions of such permit and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.
2. **Fires.** It is a misdemeanor for any person to build or maintain a fire upon a street or public property.
3. **Dumping in Streets.** It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products; shreds or rubbish, or oil, grease, or other petroleum products. It is a misdemeanor for any person to empty any water containing salt or other injurious chemical thereon. It is a violation of this section to haul any such material, inadequately enclosed or covered, thereby permitting the material to fall upon streets. It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Public Works Director.
4. **Signs and Other Structures.** It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first obtaining a written permit from the Public Works Director. In a district zoned for commercial or industrial enterprises, special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of this Code.
5. **Continuing Violation.** Each day that any person continues in violation of this section shall be a separate offense and punishable as such.

6. Conditions of Permits. Before granting any permit under any of the provisions of this section, the Public Works Director may impose such insurance or bonding conditions thereon as they, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action, or cause of action arising by reason of such obstruction.

135.15 MAILBOX REGULATIONS.

1. Permit Required. A permit is required with the City prior to mailbox installation.
2. Requirements. Position your mailbox 41” to 45” from the road surface to the bottom of the mailbox or point of mail entry. Place your mailbox 6” to 8” back from the curb. If you do not have a raised curb, contact your local postmaster for guidance. Put your house or apartment number on the outside of the mailbox. Any mailbox that is closer than 6” to the curb is in violation with the City, and the City will not be responsible for any damage to the mailbox when snow plowing or any other activities.



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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.
(Code of Iowa, Sec. 364.12[2a])

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.
(Code of Iowa, Sec. 392.1)

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

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, 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.

137.05 DISPOSAL OF VACATED 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, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.
(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.
(Code of Iowa, Sec. 174.15[2] and 364.7[3])

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	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		
896	June 3, 2024		

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CHAPTER 138

STREET GRADES

138.01 Purpose and Definition
138.02 Established Grades

138.03 Record Maintained

138.01 PURPOSE AND DEFINITION. This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

138.02 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.

138.03 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 or sidewalk grades and remain in full force and effect.

ORDINANCE NO.	ADOPTED	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 13, 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		

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 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 a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the CountyRecorder, CountyAuditor and CountyAssessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. 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 139.04 of the Code of Ordinances of New Hampton, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change 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.

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CHAPTER 140

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power
140.02 Definition
140.03 Right of Access Limited

140.04 Speed Limits
140.05 Parking Restricted

140.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety, and for the promotion of the general welfare.
(Code of Iowa, Sec. 306A.1)

140.02 DEFINITION. The term “controlled access facility” means 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, Sec. 306A.2)

140.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.
(Code of Iowa, Sec. 306A.4)

140.04 SPEED LIMITS. The maximum speed limits on said projects are hereby 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 1,320 feet west of the centerline of Linn Avenue.
4. 45 MPH on Milwaukee Street from 1,320 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 Street.
7. 25 MPH on Linn Avenue from 150 feet north of the centerline of Prospect Street to 200 feet south of the centerline of Hamilton Street.
8. 35 MPH on Linn Avenue from 200 feet south of the centerline of Hamilton Street 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.

140.05 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted.[†]

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[†]**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.

CHAPTER 141

DRIVEWAY REGULATIONS

141.01 Definitions

141.02 Driveway Requirements

141.03 Permission Required

141.04 Permit Fee

141.05 Inspection

141.01 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Driveway” means 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” means improved with any kind of hard surfacing including, concrete, bituminous, pavers, or pervious paving/paver system. Class V Aggregate Base and other similar aggregate bases are not classified as an acceptable material. Paving shall not include surfacing with oil, gravel, oil and gravel, or chloride.

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

1. Thickness. Driveways shall be paved and shall not be less than four inches thick.
2. Width. Residential curb cuts shall be 16 feet for a single drive, 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 the edge of the street paving or curb and not less than a half-inch at each edge of the sidewalk.
4. Any new driveway approaches shall either be paved with concrete or Portland cement. Any and all gravel or similar surfaces are prohibited. Any new driveway shall comply with the Iowa Statewide Urban Design and Specifications (SUDAS) standards.

141.03 PERMISSION REQUIRED. It is a misdemeanor to construct or reconstruct a sidewalk, curb or gutter, driveway, or roadway surfacing in any street or other public property in the City without permission in writing from the City. Application for such permission shall be made to the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the work, provided that no permission shall be required for any such improvement ordered installed by the Council. All applications shall be referred by the Clerk to the Public Works Director or Street Superintendent. All such applications shall contain an agreement by the applicant to be bound by this chapter, and plans and specifications consistent with the provisions of this chapter and good engineering practices shall also accompany the application. Permission from the City shall not relieve the holder from damages to the person or property of another caused by such work.

141.04 PERMIT FEE. A permit fee shall be made payable at the time of filing the application with the City. The fee will be set by the Council by resolution each year.

141.05 INSPECTION. The Public Works Director or Street Superintendent shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done under this section may be stopped by the City staff if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

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CHAPTER 142

SIDEWALK REGULATIONS

142.01 Purpose	142.12 Awnings
142.02 Definitions	142.13 Encroaching Steps
142.03 Removal of Snow, Ice, and Accumulations	142.14 Openings and Enclosures
142.04 Property Owner's Responsibility for Maintenance	142.15 Fires or Fuel on Sidewalks
142.05 City May Order Repairs	142.16 Defacing
142.06 Sidewalk Construction Ordered	142.17 Debris on Sidewalks
142.07 Permit Required	142.18 Merchandise Display
142.08 Sidewalk Standards	142.19 Sales Stands
142.09 Barricades and Warning Lights	142.20 Failure to Maintain Personal Injuries
142.10 Failure to Repair or Barricade	142.21 Sidewalk Removal
142.11 Interference with Sidewalk Improvements	

142.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

142.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall 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. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

142.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

142.05 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 the owner 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, Sec. 364.12[2d and e])

142.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

142.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee, set by resolution of the Council.

142.08 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-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width, and depth requirements are as follows:
 - A. Residential sidewalks shall be at least five feet wide and four inches thick, and each section shall be no more than five feet in length.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

- C. Driveway areas shall be not less than six inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
 7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
 8. 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.
 9. Slope. Shall comply with SUDAS standards and specifications 7030.101 and shall not exceed two percent.
 10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
 11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

142.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway, or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

142.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

142.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach

thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

142.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material 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.

142.13 ENCROACHING STEPS. It is 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.

142.14 OPENINGS AND ENCLOSURES. It is 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 feet of any sidewalk.

142.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

142.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

142.17 DEBRIS ON SIDEWALKS. It is 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 substance likely to injure any person, animal, or vehicle.

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

142.18 MERCHANDISE DISPLAY. In the Business District, pedestrians shall have the free and uninterrupted right of passage on public sidewalks, a minimum of five feet, but business operators may display their goods and merchandise in the sidewalk area that is within six feet of the building.

142.19 SALES STANDS. It is unlawful for a person to erect or keep any stand for the sale of fruit, vegetables, or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

142.20 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 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 the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec, 364.14)

142.21 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 (within the right-of-way) without first securing Council approval. 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.

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