

CHAPTER 135: STREET USE AND MAINTENANCE

135.01 Definitions	135.07 Use for Business Purposes
135.02 Removal of Warning Devices	135.08 Washing Vehicles
135.03 Obstructing or Defacing	135.09 Burning Prohibited
135.04 Placing Debris On	135.10 Excavations
135.05 Playing In	135.11 Rights-of-Way And Parking
135.06 Traveling on Barricaded Street or Alley	135.12 Failure to Maintain Parking

135.01 DEFINITIONS.

1. “Parking” means that part of the street, avenue or highway in the City not covered by sidewalk, and lying between the lot line and the curb line. The grass lying between the innermost edge of a sidewalk, and the outermost curb of the roadway.
2. “Right-of-Way” means that portion of land lying between the lot line and the lot line on the opposing side of the roadway. This can include sidewalk, parking, roadway, median and other city-held spaces.
3. “Breakaway objects” are objects designed to separate from their base or yield upon impact in order to mitigate the destructive and injurious effects of an unexpected or uncontrolled impact.

135.02 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)

135.03 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)

135.04 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)

135.05 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except on cul-de-sac or “dead end” streets or, in the areas blocked off by the City for such purposes. “Dead-end” streets shall be defined as a portion of street beyond any adjoining roadway, and where thru-traffic is not possible. No equipment or structure shall be placed in the street or alley at any time. Any person involved either directly or indirectly assumes any and all risk of said activities and must yield to all vehicles. (Ordinance No. 1104, 5-16-11)

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

135.06 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.

135.07 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.

135.08 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.

135.09 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.

135.10 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting 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 five thousand dollars (\$5,000.00) 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 five thousand dollars (\$5,000.00) 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, 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 forty-eight (48) 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 therefor to the permit holder/property owner.
9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
10. Notification. At least forty-eight (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 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.

135.11 RIGHTS-OF-WAY AND PARKING

1. MAINTENANCE OF RIGHTS-OF-WAY AND PARKING.

- A. 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])

2. USE OF RIGHTS-OF-WAY AND PARKING.

- A. No person shall create, construct, modify, 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 inanimate thing or other encroachment of a private character, unless and until written City permission is granted.
- i. Exception: Mailboxes
 1. Standard mailboxes may be installed without city permission if they are installed according to US Postal Service regulations, including breakaway supports.
 2. For the purpose of this subsection, a standard mailbox meets the specifications of the US Postal Service. Mailboxes of any kind not designed to bend or fall away when struck by a vehicle are prohibited.
 - ii. Failure to comply with the above section within a reasonable time shall be considered a nuisance that may be subject to abatement
(Ordinance No. 2511, 12/1/2025)

135.12 FAILURE TO MAINTAIN PARKING. 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])