

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

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135.10 Maintenance of Parking or Terrace

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135.12 Dumping of Snow

135.13 Driveway Culverts

135.14 Mailboxes

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; further, it is unlawful for any person to modify any street or alley or install any improvement within the City right-of-way upon said street or alley without obtaining City Council approval.

(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 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 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 one thousand dollars (\$1,000.00) 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 \$1,000.00 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 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 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 Fee. A permit fee of five dollars (\$5.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

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.

13. That the bonding and insurance requirements as above provided shall not apply to private property owners for work which is to be performed by the private property owner individually and not involving employment of a third party contractor; however, the balance of the requirements, a part of Section 135.09, shall remain necessary. *(Ord. 315 – Jul. 16 Supp.)*

14. Additional Permit Fee. In the event a written application for a permit is not filed with the City prior to the commencement of excavation an additional fee shall be charged, in the amount of \$25.00. *(Ord. 320 – Jun. 18 Supp.)*

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[2c])

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 to place snow from a lot onto any other property, including street pavement, any street right-of-way area not adjacent to the lot (for example, snow cannot be pushed across the street) or onto any other private property or City property. 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. A failure to dispose or otherwise place snow as above described shall be a nuisance.

(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.

135.14 MAILBOXES.

1. Prohibition of Rural Delivery Mailboxes. Rural mail delivery boxes shall not be placed on – and their use is prohibited on – the following streets in the City:
 - A. Main Street from First Street to Seventh Street.
 - B. Third Street from Main Street to Sycamore Street.
2. Neighborhood Delivery Collection Box Units (Cluster Boxes). Neighborhood delivery collection box units (cluster boxes) may be allowed on the following streets in the City:
 - A. North Birch Street.
 - B. North Birch Circle.

However, the continued use of individual mailboxes is allowed on the above identified streets.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Definitions	136.13 Repairing Defective Sidewalks
136.02 Sidewalk Standards	136.14 Notice of Inability to Repair or Barricade
136.03 Awnings	136.15 Cleaning Snow, Ice and Accumulations
136.04 Encroaching Steps	136.16 Notice of Assessment for Repair or Cleaning Costs
136.05 Openings and Enclosures	136.17 Hearing and Assessment
136.06 Removal of Permanent Sidewalk Prohibited	136.18 Billing and Certifying to the County
136.07 Permits for Construction or Removal	136.19 Fires or Fuel on Sidewalks
136.08 Failure to Obtain Permit; Remedies	136.20 Defacing
136.09 Inspection and Approval	136.21 Debris on Sidewalks
136.10 Barricades and Warning Lights	136.22 Merchandise Display
136.11 Interference with Sidewalk Improvements	136.23 Sales Stands
136.12 Ordering Sidewalk Improvements	136.24 Installation of Sidewalks on Vacant Lots

136.01 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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of the surface of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed and referred to in Chapter 138 of this Code of Ordinances.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
5. "Owner" means the person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
6. "Portland cement" means any type of cement except bituminous cement.

7. "Sidewalk" means any permanent public walk in business, residential, or suburban areas.
8. "Sidewalk improvements" means the reconstruction, repair, replacement or removal of a public sidewalk or the excavation, filling or depositing of material in the public right-of-way in connection therewith.
9. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.02 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, 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 four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
 - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.
 - C. Driveway areas shall be not less than six (6) inches in thickness.

The provisions of this subsection shall be subject to the exceptions set forth in subsection 12 of this section.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to circumstances. This subsection is subject to the exceptions noted in subsection 12 of this section.
7. Grade. Curb tops shall be on level with the centerline of the street, which shall be the established grade. However, the grade shall be subject to the exceptions noted at subsection 12.
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 ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk. This provision is also subject to the exceptions noted in subsection 12.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb except as provided in subsection 12.

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)

12. Conforming to Existing Sidewalks. The length, width, depth, location, grade, and slope of sidewalks repaired, replaced, or constructed within the standards shall be adjusted, as necessary, to match all existing sidewalks with which such new sidewalks shall connect.

136.03 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 seven (7) feet above the surface of the street or 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.

136.04 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.

136.05 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 (6) feet of any sidewalk.

136.06 REMOVAL OF PERMANENT SIDEWALK PROHIBITED. No one shall permanently remove an existing sidewalk within the City without the express permission of the Council.

136.07 PERMITS FOR CONSTRUCTION OR REMOVAL. All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the Public Works Director and in accordance with this chapter. No person shall make sidewalk improvements unless such person shall obtain a permit from the Clerk. The permit shall state that the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and

approval of the Public Works Director. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of the completion for sidewalk improvements may be extended by the Public Works Director or by the Council. All permits for sidewalk improvements not ordered by resolution of the Council shall be issued in compliance with this chapter. The Public Works Director or the Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

136.08 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made and do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Public Works Director shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days after receipt of the permit. If the owner fails to comply with this notice, the Public Works Director shall have the work completed and the cost assessed to the property owner as provided in Section 136.17 of this chapter. An additional fee of \$25.00 shall be assessed against the property owner if sidewalk improvements commence without a permit in addition to the previously described remedies. *(Ord. 320 – Jun. 18 Supp.)*

136.09 INSPECTION AND APPROVAL. Upon final completion, the Public Works Director shall inspect the work. The Public Works Director may order corrections if the work does not meet specifications. When the work does not meet all requirements of this chapter and the permit, the Public Works Director shall indicate this on both copies of the permit.

136.10 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings are the responsibility of the contractor, the owner, and the lessee of the property.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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, remove, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

136.12 ORDERING SIDEWALK IMPROVEMENTS. The Council may order the reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within 15 days of the receipt of the notice.

136.13 REPAIRING DEFECTIVE SIDEWALKS. It is the duty of the abutting property owner at any time or upon receipt of 90 days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the street right-of-way abutting his or her property. If at the expiration of 90 days, the required work has not been done or is not in the process of completion, the Public Works Director shall proceed to repair, replace, or

reconstruct the sidewalk. Upon completion of the work, the City Engineer shall submit to the Council an itemized and verified statement of expenditures for material and labor and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed as taxes. Provided, however, the 90-day limit shall be extended to include such additional time as reasonably necessary to take into account weather, which may make it impossible to initiate such repair, replacement, or reconstruction, and the Public Works Director shall have discretion in extending such 90-day deadline by reason of such weather.

136.14 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

136.15 CLEANING SNOW, ICE AND ACCUMULATIONS. It is the duty of the owners to keep sidewalks abutting the property clear of the natural accumulations of snow or ice. If the owner fails to do so within a reasonable time, the Public Works Director may have the natural accumulations of snow or ice removed without notice to the property owner. The Public Works Director shall give the Council an itemized and verified statement of the costs and the legal description of the property. The cost shall be assessed against the property as taxes.

136.16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Public Works Director submits a bill for sidewalk improvements or for removal of accumulations as provided herein, the Clerk shall send a notice of such fact to the owner of the abutting property. The notice may be given by either personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which the Council will hear such objections. Time set for hearing shall be at least 15 days after the service or mailing of the notice.

136.17 HEARING AND ASSESSMENT. At the time and place designated in the notice, the Council shall consider all objections to the assessment, correct all errors or admissions, and adopt the corrected list as to the amounts to be assessed against the property.

136.18 BILLING AND CERTIFYING TO THE COUNTY. Thirty days after the Council's decision, the Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessments that exceed \$100.00 may be paid in installments as set out by the Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384 of the *Code of Iowa*. No interest shall be charged for assessments, or parts thereof, paid within thirty days of the time the Council determined the final amounts.

136.19 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.

136.20 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)

136.21 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 other substance likely to injure any person, animal, or vehicle.

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

136.22 MERCHANDISE DISPLAY. It is unlawful for a person to place, upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.23 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.

136.24 INSTALLATION OF SIDEWALKS ON VACANT LOTS. At such time as a vacant lot is owned by an adjoining lot owner with a building improvement constructed on it, said adjoining lot owner of the improved building lot shall install sidewalks on the vacant lot, all within the specifications set forth in the preceding sections of this chapter, and shall complete same, weather permitting, no later than one year after said adjoining lot owner has constructed said building improvement, or one year after said adjoining lot owner has purchased the adjoining vacant lot, or one year after the effective date of the ordinance codified by this section (October 18, 2005), whichever is the last to occur.

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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 thirty (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] & 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	ORDINANCE NO.	ADOPTED
51	June 1, 1942		
70	September 8, 1959		
110	January 3, 1977		
121	October 1, 1979		
136	August 1, 1983		
137	August 1, 1983		
142	December 5, 1983		
149	March 3, 1986		
169	February 6, 1989		
191	December 2, 1991		
195	May 27, 1992		
200	May 17, 1993		
230	January 5, 1998		
266	February 2, 2004		
296	May 2, 2011		
323	September 11, 2017		

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CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 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.

138.02 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	ORDINANCE NO.	ADOPTED
16 (Revised)	November 23, 1926		

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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. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
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 ordinance, 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 County Recorder, County Auditor, and County Assessor.

(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 Janesville, 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 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 chapter which involves naming or changing the name of a street shall become effective until after such change and entry have been made on said map.

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted naming streets and remain in full force and effect.		
Ordinance Number	Old Street Name	New Street Name
170	Barrick Road (west of the Cedar River)	West Barrick Road
	Maple Street (north of West Barrick Road)	North Maple Street
190		North Main Street
		North Pine Street
		North Oakland Drive
		Pine Street
209	Ninth Street	Eighth Street
221	Robin Lane	First Street Northwest
297		Wildcat Way

CHAPTER 140

CONTROLLED ACCESS FACILITIES

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

140.04 Access Controls Imposed
140.05 Unlawful Use of Controlled Access Facility

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 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. FN-218-7(4)—21-07. On the Primary Road System extension improvement, Project No. FN-218-7(4)—21-07, Primary Road No. U.S. 218, within the City, described as follows:

Beginning at Sta. 598+51.00 at the south corporation line, thence northwesterly to Sta. 617+66.16, a point approximately 109 feet east of Elm Street,

- regulating access to and from abutting properties along said highway, all in accordance with the plans for such improvement identified as Project No. FN-218-7(4)—21-07, on file in the office of the Clerk.

140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

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 semicircular 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.

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