

CHAPTER 135

STREET USE AND MAINTENANCE

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135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris or any other substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(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 resolution of 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 OF PARKINGS. It is unlawful to park, store place, temporarily or permanently, any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind upon any street parking without permission of the Council.

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 or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind.

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. Except to install a mailbox, no person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following: **(See also Chapter 167)**

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 in the *Manual of Uniform Traffic Control Devices* and as otherwise 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. 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.

5. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
6. 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.
7. 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.
8. 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.
9. Permit Issued. Upon approval of the application, a permit shall be issued. A separate permit shall be required for each excavation.

135.11 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. Specifically, but not by way of limitation of the foregoing, the property owner shall maintain all grass areas outside the lot and property lines and inside the curb lines upon the public streets to a height or length not to exceed six (6) inches.

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

135.12 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])

135.13 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a

hazardous condition therein; or to push, throw, place or cause to be thrown, pushed or placed such ice or snow onto any adjoining property not owned by such person.

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

135.14 SPRINKLER SYSTEMS IN PARKING. Abutting property owners may as a matter of license install and maintain underground lawn sprinkling systems in the parking provided that all related equipment, except necessary and direct connections from the water supply to the sprinklers, is located solely in an area within one foot of the street side of the sidewalk, or between five and six feet of the property line in areas where sidewalks are not installed. Abutting property owners acting pursuant to these provisions do so at their own risk and without any right, title or interest in the parking or in the free use and enjoyment of the parking for the purpose allowed in this section. Abutting property owners acting pursuant to this section should take notice of the fact that installations in the parking will be subject to damage or destruction at any time that the City or a person with a utility easement deems it necessary to enter upon the parking for construction, maintenance or any other purpose. Removal of underground lawn sprinkling systems may be required at any time by the City.

135.15 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Definitions	136.09 Openings and Enclosures
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136.06 Removal of Snow and Ice Accumulations	136.14 Sales Stands
136.07 Awnings	136.15 Effect Upon Other Laws
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136.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Property” means land situated in the City, whether or not improved with buildings or other structures.
2. “Property owner” means a person who, alone or with another person or other persons, holds the legal title to property; except, however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the Office of the Polk County Recorder, the person so purchasing the property, whether alone or with another person or other persons, is the “property owner” and not the person retaining bare legal title to the property as security for the balance of the purchase price.
3. “Public sidewalk” means that portion of a public street intended for the use of pedestrians and situated between the curb line and the property lines of abutting property owners.
4. “Public parking” means that portion of a public street, exclusive of public sidewalk, situated between the curb line and the property lines of abutting property owners.

136.02 DUTY OF ABUTTING PROPERTY OWNERS. Every property owner is required to maintain, at his or her own expense, the public sidewalk and the public parking on that length and side of the public street or streets to which said property owner’s property abuts. This obligation to maintain includes, without limitation, the duty to keep the public sidewalk open, free of debris, snow and ice and other obstacles and in a reasonable state of repair so as not to present a hazard to persons using the public sidewalk and the duty to keep the public parking mowed and in a safe condition free of all objects, accumulations and excavations which create a public or private nuisance or pose a hazard to persons using the public parking; provided, however, that this section shall not be construed to require a property owner to remove a diseased tree from the public parking or dead wood from trees located on the public parking or to require a property owner to take any action with respect to the public sidewalk or the public parking when said action is made necessary by the excavation or other activity of the City or a public utility.

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

136.03 PERFORMANCE BY CITY. If the property owner does not perform an action required by this chapter with a reasonable time, the Council may cause such required action to be performed and assess the costs and expenses therefor against the abutting property for collection in the same manner as property taxes; provided, however, no such assessment can be made for the repair, reconstruction or replacement of the public sidewalk unless the City has served upon the person shown by the records of the Polk County Auditor to be the owner of the abutting property, by certified mail, a notice requiring said person to perform, reconstruct or replace the public sidewalk within thirty (30) days from the date said notice is mailed.

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

136.04 RIGHT TO SPECIALLY ASSESS RESERVED. The City is not prevented by this chapter from paying for or recouping the costs and expenses of repairing, reconstructing or replacing the public sidewalk or the public parking by special assessment where otherwise authorized by City ordinance and the laws of the State.

136.05 SIDEWALK STANDARDS. Public sidewalks repaired, replaced or constructed within the City shall meet the standards for such construction adopted by resolution of the Council.

136.06 REMOVAL OF SNOW AND ICE ACCUMULATIONS. The owner, lessee, occupant or person in charge of property abutting sidewalks shall remove snow and ice accumulations from sidewalks within twenty-four (24) hours after a snowfall or the deposit or formation of ice thereon.

136.07 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 (8) 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.

136.08 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.

136.09 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.

136.10 FIRES OR FUELS 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.

136.11 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)

136.12 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])

136.13 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.

136.14 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand 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.

136.15 EFFECT UPON OTHER LAWS. This chapter shall not be construed to allow any use of the public sidewalk or the public parking that is otherwise prohibited by the laws of the State of Iowa or by other ordinances of the City or to lessen the duty of care otherwise imposed upon property owners by the laws of the State.

136.16 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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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.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
49	December 7, 1967		
51	March 21, 1968		
72	November 20, 1969		
82	July 2, 1970		
126	November 2, 1972		
131	March 29, 1973		
142	August 16, 1973		
146	September 6, 1973		
210	May 27, 1977		
344	May 20, 1986		
370	April 2, 1987		
411	August 18, 1988		
438	April 27, 1989		
439	April 27, 1989		
449	October 5, 1989		
456	March 15, 1990		
463	August 2, 1990		
469	October 4, 1990		
483	March 28, 1991		
489 (Easement vacation)	May 16, 1991		
536 (Easement vacation)	March 4, 1993		
585	November 17, 1994		

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.03 Datum Plane

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.

138.03 DATUM PLANE. The United States Coast and Geodetic Survey Datum Plane shall be used as the reference plan in establishing all elevations and grades within the City. The official bench mark system shall be on file in the Clerk.

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
57	August 19, 1968	405	June 2, 1988
62	December 19, 1968	409	July 21, 1988
70	October 9, 1969	466	September 6, 1990
77	May 21, 1970	521	August 20, 1992
135	July 19, 1973	569	June 2, 1994
151	October 4, 1973	571	June 22, 1994
185	August 7, 1975	572	June 22, 1994
186	August 7, 1975	596	June 15, 1995
228	November 16, 1978	662	January 8, 1998
347	June 19, 1986		
371	April 30, 1987		
403	June 2, 1988		
404	June 2, 1988		

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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

139.01 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 Mayor and Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

EDITOR'S NOTE

The following ordinances have been adopted changing the names of the following streets or portions of streets and such ordinances are hereby specifically saved from repeal and remain in full force and effect:

1. Ordinance No. 355 – The name of that part of N.W. 111th Street from the south boundary line of Hickman Road to a point located 378 feet south of the south boundary line of Hickman Road was changed to N.W. 114th Street.
2. Ordinance No. 530 – The name of Greenbelt Park Road was changed to Maddox Parkway.

Resolution No. 97-04 was adopted on January 9, 1997, amending certain street names and an address in Wood Creek Plat 1.

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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 Access Controls Imposed
140.05 Unlawful Use of Controlled Access Facility
140.06 Parking Restricted
140.07 Penalty

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. U-6-4 (4) – 40-77. On the Primary Road System extension improvement, Project No. U-6-4 (4) – 40-77, Primary Road No. U.S. 6, within the City, described as follows:

On Hickman Road (U.S. 6) from the west corporation line to the east corporation line

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. U-6-4 (4) – 40-77, 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 which separates such service road from the controlled access facility property.

140.06 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of one hundred (100) feet in advance of the stop sign.
2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of one hundred (100) feet.
3. Hickman Road. Parking is prohibited on that portion of Hickman Road (U.S. 6) lying within the corporate limits of the City from the west corporation line to the east corporation line.
4. Service Roads. Parking is prohibited on the following service roads:
 - A. From N.W. 114th Street (State Farm Road) easterly to the street connection at Station 586+79.
 - B. From Station 644+32 easterly 640 feet to the street connection at Station 650+72.
 - C. From N.W. 86th Street (Clive Road) (Station 665+65) easterly 330 feet to Station 668+95. This street is approximately 210 feet south of and parallel to Hickman Road (U.S. 6).
5. N.W. 86th Street. Parking is prohibited on N.W. 86th Street (Clive Road) from Hickman Road (U.S. 6) south 500 feet.
6. N.W. 82nd Street. Parking is prohibited on N.W. 82nd Street from Hickman Road (U.S. 6) south 150 feet.

140.07 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject

to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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CHAPTER 141

DRIVEWAY REGULATIONS

141.01 Permit Required
141.02 Time of Completion
141.03 Application
141.04 Additional Regulations

141.05 Curb Removal – Residential
141.06 Curb Removal – Commercial
141.07 Protection Provided
141.08 Compliance
141.09 Penalty

141.01 PERMIT REQUIRED. No person shall create a new ingress or egress for the establishment of a driveway onto private property from a public thoroughfare or make any curb cuts or remove any curbs without first obtaining a permit therefor from the Community Development Department.

141.02 TIME OF COMPLETION. All construction commenced pursuant to said permits authorizing curb cuts or curb removal shall be completed as follows:

1. Summer Construction. All such construction commenced hereunder after March 15 and on or before September 15 of any year shall be completed no later than thirty (30) days after commencement of said construction, or October 15 of that year, whichever comes first.
2. Winter Construction. All such construction commenced after October 12 and before March 15 of any year shall be completed no later than seventy-two (72) hours after commencement of said construction.

141.03 APPLICATION. The application for said permit shall contain a rough drawing showing said proposed ingress or egress for the establishment of a driveway and for any curb cut or curb removal and its location with reference to the public right-of-way and the lot lines of property owned by said applicant.

141.04 ADDITIONAL REGULATIONS. The Council may from time to time prescribe regulations providing for restrictions, limitations and conditions for the granting of such new ingress or egress and driveways onto private property from a public thoroughfare and the size thereof.

141.05 CURB REMOVAL – RESIDENTIAL. All curbs removed in a residential area shall be ground off and not sawed. Only in special circumstances will sawing be allowed and must be approved by the Director of Public Works. When sawing is allowed it shall be done with a concrete saw. All curbs shall be cut to the closest longitudinal joint if less than forty-two (42) inches or a minimum of eighteen (18) inches on a longitudinal line from the back of curb. Other requirements shall also be subject to the City's Standard Specifications adopted by the Council.

141.06 CURB REMOVAL – COMMERCIAL. All curbs removed in a commercial area shall be made by sawing the curb and street to the nearest

longitudinal joint on the public street. Other requirements shall also be subject to the City's Standards Specifications adopted by the Council.

141.07 PROTECTION PROVIDED. All openings in the curb and the street and all work performed therein shall, during the progress of the work, be protected as prescribed by the MUTCD (*Manual on Uniform Traffic Control Devices*).

141.08 COMPLIANCE. The person receiving said permit must comply completely with the regulations or requirements of the permit when issued; and any deviation therefrom shall subject the party obtaining the permit to penalty.

141.09 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

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CHAPTER 142

MAILBOXES

142.01 Purpose

142.02 Definitions

142.03 Visibility; Obstruction

142.04 Cluster-style Mailbox Required in
New Developments

142.05 Cluster-style Mailbox Requirements

142.06 Curbside Mailbox Requirements

142.07 Custom-built Mailbox Requirements

142.08 Responsibilities of Property Owner

142.01 PURPOSE. The City's right-of-way is held by the City primarily for the purpose of pedestrian and vehicular passage and for the City's provision of essential public safety services, including police, fire and emergency medical response services, and public health services, including sanitary sewer, water and storm drainage. The purpose of this chapter is to provide standards for mailboxes in order to maintain the safety and the visual character of the City's right of way.

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

1. "Breakaway support" means a supporting post which shall be no larger than a 4" x 4" wood post or a metal post with a strength no greater than a 2" diameter schedule 40 steel pipe and which is buried no more than 24" deep. Such a support post shall not be set in concrete unless specifically designed as a breakaway support system as defined in "A Guide for Erecting Mailboxes on Highways" published by the American Association of State Highway and Transportation Officials, May 24, 1984 (ASHTO).
2. "Clear zone" means an unobstructed flat area adjacent to the traveled portion of a roadway that is used for the recovery of errant vehicles.
3. "Cluster-style mailbox" means a style whereby mailboxes, meeting the specifications of the United States Postal Service ("USPS") with the inscription plainly legible "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL," are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster-style mailboxes must be manufactured cluster-style mailboxes approved by both the City and the USPS.
4. "Curbside mailbox" means a mailbox consisting of a lightweight sheet metal or plastic box meeting the specifications of the United States Postal Service ("USPS") with the inscription plainly legible "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL," which is erected at the edge of a roadway or curbside of a street and is mounted on a breakaway support post, and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle.

5. "Custom-built mailbox" means a mailbox erected at the edge of a roadway or curbside of a street constructed using materials that do not meet the definition of a "curbside mailbox" and "breakaway support."

142.03 VISIBILITY; OBSTRUCTION. All mailboxes must be erected:

1. Away from the intersection of any street and, in no case closer than 75 feet measured from the center line of the intersecting street, in order to prevent obstruction of free and clear vision; and
2. Away from any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic control device.

142.04 CLUSTER-STYLE MAILBOX REQUIRED IN NEW DEVELOPMENTS. All new residential or commercial developments constructed after the enactment of the regulations contained in this chapter (October 2, 2003) which are situated on any public cul-de-sac, street, avenue or other roadway that is maintained by the City and receive curbside delivery of mail shall have cluster-style mailboxes. Any housing development constructed and already receiving mail service before the regulations in this chapter are enacted is not required to have cluster-style mailboxes.

142.05 CLUSTER-STYLE MAILBOX REQUIREMENTS. Cluster-style mailboxes serving housing developments situated on any public street or roadway shall be located between the sidewalk and curb, outside of the three-foot (3') clear zone. Cluster-style mailboxes shall not be installed anywhere within a cul-de-sac bulb. Cluster-style mailboxes shall have a 4' concrete access from the public street and the public sidewalk. The location of the cluster-style mailboxes shall not exceed 600 feet from the property line of those residents served by that cluster-style mailbox. Cluster-style boxes shall be located on property lines on the same side as what the future no-parking areas will be. The location of the cluster-style mailbox is to be approved by the City and by the USPS. The cost of installation, including but not limited to box units and concrete pad, shall be borne by the developer, and subsequent maintenance shall be carried out by the USPS. No driveway or street access shall be constructed within 5 feet of a cluster-style mailbox.

142.06 CURBSIDE MAILBOX REQUIREMENTS. While curbside mailboxes may be installed in developments constructed and already receiving mail service before the adoption of this chapter (October 2, 2003), the mailbox owner must comply with the following installation requirements:

1. The bottom of the mailbox shall be 42" from the top of curb. On streets without curbs, the bottom of the mailbox shall be 48" from the edge of pavement, as defined by USPS installation requirements.
2. Lateral placement of the mailbox shall be 6" to 8" from the face of the curb, as defined by USPS installation requirements.

3. The mailbox support post shall be of a "breakaway support" design, as defined by ASHTO.
4. The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.
5. Property owner shall be responsible for the maintenance of the curbside mailbox.

142.07 CUSTOM-BUILT MAILBOX REQUIREMENTS. A custom-built mailbox may be installed in developments constructed and already receiving mail service before the adoption of this chapter (October 2, 2003) if an application for approval of a custom-built mailbox is submitted to the City of Clive for review and is approved. A custom-built mailbox must conform to the following requirements and the rules set forth in the application:

1. The structure supporting the mailbox shall be at least 12" from the back of curb.
2. The mailbox structure shall not exceed the dimensions of 2 feet in width, 2 feet in depth, 5 feet in height.
3. The mailbox structure shall be located on a 2'6" wide x 2'6" deep x 4" thick concrete pad. The mailbox structure shall not be permanently affixed to the concrete pad in an attempt to make structure rigid.
4. The local postmaster shall approve and sign off on the application before submittal to the City.
5. Property owner shall be responsible for the maintenance of the custom-built mailbox. If the mailbox is damaged beyond use by the City, a standard curbside mailbox and breakaway post as defined in this chapter will be provided or the property owner can be reimbursed up to a maximum replacement amount set by Council in a fee schedule. If the property owner performs the replacement, reimbursement will not exceed the established cost for a standard curbside mailbox and breakaway post. Property owner must submit an application for a custom-built mailbox with the City prior to making any needed repairs.

142.08 RESPONSIBILITIES OF PROPERTY OWNER. Any type of mailbox located in the City right-of-way is subject to damage or destruction, at any time, as a result of the City or a person with a utility easement entering upon the City right-of-way to construct, repair or maintain the utilities located in the City right-of-way or as a result of the City engaging in activities to maintain the public street or right-of-way, such as snow removal, pavement repair or street cleaning. If a curbside or cluster-style mailbox located in the City right-of-way is damaged during such activities, the City or the utility that damaged the mailbox shall replace said mailbox with a mailbox of the same design, if it has been approved for installation by the USPS with the proper markings inscribed "U.S. MAIL" and APPROVED BY THE POSTMASTER GENERAL" and if it is still available for purchase and complies with this chapter.

Property owner may choose to be reimbursed in full or have the City reinstall a new mailbox meeting stated requirements. If the property owner chooses to purchase an approved mailbox and be reimbursed, the City will install the mailbox at the property owner's request.

(Ch. 142 – Ord. 783 – Dec. 03 Supp.)

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