

CHAPTER 56**STREETS AND ALLEYS****SUBCHAPTER 1****STREET REGULATIONS**

56.01 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or other portion within the street right-of-way unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of this Code.

1. **Application.** Before such permit shall be granted, the person shall file with the City a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.
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 and Lighting.** Adequate barricades 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 or warning lights shall be paid to the City by the permit holder.
4. **Bond Required.** The applicant shall post with the City a penal bond in the sum of five thousand (5,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the applicant'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 addition the applicant shall post a cash bond in the amount of one hundred (100) dollars to cover any and all fees, charges or costs which may result from such excavation.
5. **Insurance Required.** Each applicant shall also have filed a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

- A. Bodily Injury \$250,000.00 per person; \$500,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the 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 surface begun, until such backfill is inspected and approved by the City. The permit holder 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 left open or unfinished, for a period of twenty-four (24) hours or should the work be improperly done, the City shall have the right to finish or correct such work and the expense shall be charged to the permit holder and/or property owner.
9. Property Owner's Responsibility. All costs and expenses incident to the excavation shall be borne by the permit holder and owner. The permit holder and owner shall indemnify and hold harmless the City from any loss, damage, or injury that may directly or indirectly be occasioned or caused by such excavation.
10. Permit Fees. The person who makes a street excavation permit application shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours. A separate permit shall be required for each excavation.
11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, a permit shall be issued.

56.02 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.

(Code of Iowa, 1995, Sec. 364.12 [2c])

56.03 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required in this Chapter 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, 1995, Sec. 364.12 [2e])

56.04 DRIVEWAY CULVERTS. The property owner shall, at his or her own expense, install any culvert deemed necessary under any driveway or any other access to his or her property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event he or she fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the county auditor and specially assessed against the property as by law provided.

(Code of Iowa, 1995, Sec. 364.12 [2c])

SUBCHAPTER 2**CONTROLLED ACCESS FACILITIES**

56.05 DEFINITIONS. The following words and phrases, when used in this Subchapter, shall, for the purposes of this Subchapter, have the meanings respectively ascribed to them in this section:

1. "Fully 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, having no right of easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility.
2. "Partially 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 only a controlled right of easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility.

56.06 RIGHT OF ACCESS LIMITED. No person shall have any right of ingress or egress to, from or across any controlled-access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by ordinance.

(Code of Iowa, 1995, Sec. 306A.4)

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

(Code of Iowa, 1995, Sec. 306A.3)

1. Project No. I-235-2. On the Primary Road System extension improvement, Project No. I-235-2, Interstate Highway No. 235, within the City of Windsor Heights, described as follows:
 - A. Fully controlled-access facilities. On I-235, beginning at the west corporate limits (Station 198 plus 73), thence easterly to the east corporate limits (Station 238 plus 75), including all ramps; on the southwest side of 73rd Street, beginning at the south corporate limits (Station 20 plus 90), thence northwesterly to a point eight hundred and seventy-six (76) feet northwest of the centerline of I-235 (Station 3 plus 60); on the northeast side of 73rd Street, beginning at Center Street (Station 19 plus 78), thence northwesterly to a point two hundred and sixty-six (266) feet

northwest of the centerline of I-235 (Station 9 plus 70); and on the west side of Sixty-third (63rd) Street, beginning at Center Street (Station 19 plus 58), thence northerly to a point four hundred and seventy-five (475) feet north of the centerline of I-235 (Station 10 plus 25).

B. Partially controlled-access facilities. On the southwest side of 73rd Street, beginning at a point eight hundred and seventy-six (876) feet northwest of the centerline of I-235 (Station 3 plus 60), thence northwesterly to a point one thousand one hundred and thirty-five (1135) feet northwest of the centerline of I-235 (Station 1 plus 00); on the northeast side of 73rd Street, beginning at a point two hundred and sixty-six (266) feet northwest of the centerline of I-235 (Station 9 plus 70), thence northwesterly to a point one thousand one hundred and thirty-five (1135) feet northwest of the centerline of I-235 (Station 1 plus 00); and on the west side of Sixty-third (63rd) Street, beginning at a point four hundred and seventy-five (475) feet north of the centerline of I-235 (Station 10 plus 25), thence northerly to a point nine hundred and fifty (950) feet north of the centerline of I-235 (Station 5 plus 50).

regulating access to and from I-235, a portion of 73rd Street, a portion of Sixty-third (63rd) Street and the abutting properties along said highway or streets, all in accordance with the plans for such improvements, identified as Project No I-235-2, on file in the office of the Clerk.

56.08 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It shall be unlawful for any person to:

(Code of Iowa, 1995, Sec. 306A.3)

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

local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property.

5. Signs on Public Property. Allow or place any signboards on public property along said highway.

6. Signs on Private Property. Allow or place any signboards on private property when such signboards will obstruct the view of any portion of the public highway or street, or railroad track.

SUBCHAPTER 3**BUILDING NUMBERING**

56.09 DEFINITIONS. For use in this Subchapter, the following terms shall be defined:

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

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

1. Obtain Building Number. Obtain the assigned number to his or her principal building from the Clerk.

(Code of Iowa, 1995, Sec. 364.12 [3d])

2. Display Building Number. Place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 1/2) inches in height and of a contrasting color with their background.

(Code of Iowa, 1995, Sec. 364.12 [3d])

56.11 ENFORCEMENT. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, 1995, Sec. 364.12 [3h])

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

SUBCHAPTER 4**NAMING OF STREETS**

56.13 NAMING NEW STREETS. New streets in the City 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 commission for review and recommendation.

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

56.15 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the county recorder and county auditor.

(Code of Iowa, 1995, Chap. 354)

56.16 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 56.15 of the Municipal Code of the City of Windsor Heights, Iowa".

56.17 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 Subchapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

SUBCHAPTER 5

VACATION AND DISPOSAL

56.18 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley, or portion thereof, the Council may do so in accordance with the provisions of this Subchapter.

(Code of Iowa, 1995, Sec. 364.12 [2a])

56.19 PLANNING COMMISSION. Any proposal to vacate a street or alley 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 Planning and Zoning Commission shall submit a written report including recommendations to the Council within thirty (30) days of the date the proposed vacation was referred to it.

(Code of Iowa, 1995, Sec. 392.1)

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

(Code of Iowa, 1995, Sec. 354.23)

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

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

(Code of Iowa, 1995, Sec. 354.23)

56.22 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, 1995, Secs. 364.7 and 354.23)

56.23 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, 1995, Sec. 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.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
66-7	October 21, 1966
67-4	June 26, 1967
71-2	June 21, 1971
71-3	June 21, 1971
71-4	June 21, 1971
71-5	June 21, 1971
71-6	June 21, 1971
71-7	June 21, 1971
80-2	May 19, 1980

SUBCHAPTER 6

STREET AND SIDEWALK GRADES

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

56.25 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.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
20B	May 25, 1956
20	May 19, 1958
20C	September 22, 1958
20D	April 6, 1959
20E	---
9-2159	---
87-15	October 5, 1987