

Title 12STREETS AND SIDEWALKS*Chapters:

- 12.04 Sidewalk construction and Repair
- 12.08 Street Extension
- 12.12 Street Telephone Poles
- 12.16 Trees, Shrubbery, and Vegetation on Public Property

- * For statutory provisions making the city responsible for the care, supervision and control of public streets and sidewalks, see Code 1977 §364.12.

Chapter 12.04SIDEWALK CONSTRUCTION AND REPAIR*Sections:

- 12.04.010 Order by council vote.
- 12.04.020 Order by petition.
- 12.04.030 Copy of resolution to be served.
- 12.04.040 Failure to repair.
- 12.04.050 Snow and ice removal.
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- 12.04.070 Specifications--Supervision--Grade.
- 12.04.080 Specifications--In front of places of business.
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- 12.04.100 Specifications--Street crossings and connecting sidewalks.

- * For statutory provisions on special assessments for sidewalk construction and repair, see Code 1977 §384.37 et seq.; for provisions on sidewalk repair, see Code 1977 §364.12.

12.04.010 Order by council vote. The city council may by resolution, adopted by a three-fourths vote of all the members thereof, direct and order the improvement of any street or alley by the building or repairing of any sidewalk or sidewalks thereon. The resolution shall prescribe the kind and character of such improvements or repairs, the material of which the same shall be constructed, the time within which and the street or place along which the same shall be constructed. (Ord. 91 §1, 1905).

12.04.020 Order by petition. Upon the petition of the majority of the property holders and owners to be charged with the cost thereof, for the building or repairing of any sidewalk, the council may order and direct the same to be done by resolution specifying the same as in Section 12.04.010 (Ord. 91 §2, 1905).

12.04.030 Copy of resolution to be served. Whenever any improvements or repairs are ordered by either of the methods provided in Sections 12.04.010 and 12.04.020, a copy of the resolution providing therefor shall be served by the marshal as soon as practicable, without charge to the property holder or owner, upon each known resident, owner or holder of the property to be charged with the cost thereof. (Ord. 91 §3, 1905).

12.04.040 Failure to repair. In case any owner of property along any street or alley where improvements or repairs required by this chapter are ordered fails to make the same within thirty days after the service of the notice, then it is the duty of the street commissioner to construct the same as soon as practicable. He shall return to the city council a detailed and verified statement of the cost thereof, upon the completion of the same, against each lot, part of lot or parcel of land properly chargeable with such improvements or repairs, and thereupon the council shall by resolution declare an assessment against said lot, part of lot or parcel of land, for the amount properly chargeable to the same, which assessment shall be enforced against the same as special taxes in the manner provided by the laws of the state of Iowa. (Ord. 91 §4, 1905).

12.04.050 Snow and ice removal. The street commissioner shall remove snow, ice or other accumulations from abutting property from the sidewalks without notice to the property owner, if the same has remained upon the sidewalk for a period of ten hours. The council shall assess the expense thereof on the property from the front of which such snow, ice or other accumulations have been removed, and the same shall be certified and collected as special taxes; but the expense thereof shall not exceed one and one-half cents per front foot of any lot. (Ord. 91 §9, 1905)

12.04.060 Repair without notice. Whenever any sidewalk or sidewalks within the city should in the judgment of the council or any member thereof, or of the street commissioner, be repaired, and it appears to said officer or officers that the delay from giving notice to the property owner might result in damage or injury to persons or property, the same shall be repaired by the street commissioner without notice to the owner of the abutting property. Under such

circumstances, it is the duty of the street commissioner to repair said walks so as to make them conform to this chapter, without notice to the owner of the abutting property, and return to the council a detailed and verified statement of the expense thereof, which shall be assessed to the abutting property and certified and collected as other special taxes. (Ord. 91 §10, 1905).

12.04.070 Specifications--Supervision--Grade. All sidewalks shall be constructed under the supervision of the street commissioner subject to the direction of the city council and shall be constructed at the grade established after the effective date of the ordinance codified in this chapter. (Amended during 1978 codification; Ord. 91 §7, 1905).

12.04.080 Specifications--In front of places of business. All sidewalks constructed after the effective date of the ordinance codified in this chapter, in front of any store, house, shop or lot where any kind of business is carried on shall be constructed of either stone or cement and shall be constructed in such manner as the council may direct. On all street corners they shall extend not less than eight feet beyond the corner of the block regardless of the material out of which they are constructed. (Amended during 1978 codification; Ord. 91 §5, 1905).

12.04.090 Specifications--Locations not provided for. All sidewalks that may be constructed on any street in the city, not otherwise provided for after the effective date of the ordinance codified in this chapter shall be constructed of stone or cement, in such manner as the council may direct and shall be not less than four feet wide, except on streets thirty feet in width, said walks shall be not less than three feet wide. (Amended during 1978 codification; Ord. 91 §6, 1905).

12.04.100 Specifications--Street crossings and connecting sidewalks. The city shall construct and maintain all street crossings and connecting sidewalks which shall not be less than four feet wide and shall be of stone or cement as the council may order. (Amended during 1978 codification; Ord. 91 §8, 1905).

Chapter 12.08STREET EXTENSIONSections:

12.08.010 Designated.

12.08.010 Designated. The tract of land located in the city and described as follows:

Beginning three hundred eighty-seven feet east of the northwest corner of the northeast quarter of the northwest quarter of Section 30, Township 69 North, Range 21, thence south four hundred nineteen feet; thence east sixty feet; thence north four hundred nineteen feet; thence west sixty feet to beginning, is dedicated and designated as an extension of DeKalb Street, said extension extending south from the intersection of DeKalb Street and South Street. (Ord. 198 §1, 1966).

Chapter 12.12STREET TELEPHONE POLES*Sections:

- 12.12.010 Interpretation.
- 12.12.020 Plans and specifications--Submittal.
- 12.12.030 Plans and specifications--Approval.
- 12.12.040 Discrimination prohibited in resolution adoption.

12.12.010 Interpretation. This chapter is enacted under authority of Section 775 of the Code of Iowa. It is intended to apply to all persons coming under the operation of this chapter. The regulation contained in this chapter is intended to be general and uniform. (Ord. 114 §4, 1915).

12.12.020 Plans and specifications--Submittal. After the effective date of the ordinance codified in this chapter, no person, firm, association, company or corporation shall construct, build, or operate any telephone line or lines upon, along or under the streets, roads, avenues, alleys and public

* For statutory provisions on construction of telephone lines, see Code 1977 §§319.5 and 488.3.

places of this city, or construct, build or operate any extension to any telephone lines used and occupying the streets of this city without first submitting to the city council written plans and specifications showing in detail the kind of poles and other supports for the wires of said telephone lines, the manner in which the same is to be constructed and the places where the same shall be placed upon, along or under the streets, roads, avenues, alleys and public places of this city. (Ord. 114 §1, 1915).

12.12.030 Plans and specifications--Approval. Before any person, firm, association, company or corporation may build or construct telephone lines or any extension thereof as designated in Section 12.12.020, their plans and specifications submitted as provided in Section 12.12.010 must have the approval of the city council by written resolution duly passed by the city council. (Ord. 114 §2, 1915).

12.12.040 Discrimination prohibited in resolution adoption. In the adoption of any resolution approving plans and specifications submitted by any person, firm, association, company or corporation as mentioned in Section 12.12.030, no discrimination shall be made and the same regulation with reference to the approval of said resolution shall apply to all companies operating a telephone exchange within the city after the effective date of the ordinance codified in this chapter. (Ord. 114 §3, 1915).

Chapter 12.16

TREES, SHRUBBERY, AND VEGETATION ON PUBLIC PROPERTY*

Sections:

- 12.16.010 Definitions.
- 12.16.020 Abutting property owners responsible for care and maintenance.
- 12.16.021 Required notification to city clerk.
- 12.16.030 Notice declared.
- 12.16.040 Abatement procedure.
- 12.16.041 Arboricultural specifications and standards of practice.
- 12.16.050 City tree division.

* For statutory provisions on trees and shrubbery along highways, see Code 1977 Ch. 318.

12.16.010 Definitions. For purposes of this chapter, the terms set out below shall have the following definitions and meanings:

A. "Person" means any individual, firm, partnership, organization, trust, legal entity, any other organized group or any government.

B. "Street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic and includes the city owned right of way.

C. "Tree" means any and all woody vegetation except where otherwise indicated. (Ord. 287 §1, 2001).

12.16.020 Abutting property owners responsible for care and maintenance. The property owner of property abutting or adjoining any city street or city owned right of way shall be responsible for the planting, care and maintenance of all trees and shrubbery planted in or along any street or right of way in the city. (Ord. 287 §1, 2001).

12.16.021 Required notification to city clerk. The city clerk shall be notified prior to the time that any tree is to be trimmed, if it is anticipated that said tree or any portion thereof will fall on or in a street, sidewalk or alley. No tree shall be felled into or onto any street, sidewalk or alley without having persons stationed in the street, sidewalk or alley to stop traffic for persons in both directions at the time the tree is being dropped, unless the street, sidewalk or alley has been duly barricaded in accordance with the municipal code of ordinances. Trees or branches which are felled or trimmed onto streets, sidewalks or alleys, or other public property, must be removed immediately. (Ord. 287 §1, 2001).

12.16.030 Nuisance declared. The city council shall have the power to declare any tree or shrubbery planted in any street, right of way, or on public property in the city and which are found to be dangerous, diseased, unsightly, and/or obnoxious to the public to be a nuisance and to abate the same as provided in Section 12.16.040. (Ord. 287 §1, 2001).

12.16.040 Abatement procedure. A. The city council shall cause a notice to be served upon an adjoining or abutting property owner to remove any tree or shrubbery declared to be a nuisance within thirty days following the receipt of such notice.

B. In the event such notice is not complied with by the property owner, the city council may order the tree or shrubbery declared to be dangerous, diseased, unsightly and/or obnoxious to the public and a nuisance, to be re-

moved and thereafter assess the cost thereof against the abutting or adjoining property owner as a special assessment against the real estate abutting and/or adjoining the street, right of way, or public property where said tree or shrubbery is situated. (Ord. 287 §1, 2001).

12.16.041 Arboricultural specifications and standards of practice. A. Planting. It is recommended that trees planted on property owned by the city shall have comparatively straight trunks, top and root characteristics of the species, show evidence of proper pruning and be free of insects, disease and mechanical injuries at the time of planting. Trees shall not be planted within thirty-five feet from any street intersection. Trees shall be planted inside the property lines and not between the sidewalk and the curb of a street unless special consent to plant outside the property lines is first obtained from the city tree division. In all newly platted additions, trees shall be planted inside the property lines rather than on the parking. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the tree or endanger public safety.

B. Cotton-Bearing Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees are declared to be a nuisance and are prohibited within the city limits. (Ord. 287 §1, 2001).

12.16.050 City tree division. There is established a city tree division of the city under the supervision and control of the city clerk. The clerk and the tree division members (usually the park superintendent and street superintendent) as appointed by the city council shall have the authority to perform and regulate the planting, maintenance and removal of trees in and on streets, right of ways, and other public property in order to ensure public safety and to preserve the symmetry of public places, i.e., Walden Park and Golf Course, Courtyard of Corydon Square and cemeteries. The clerk and the tree division shall promote public information on tree planting, removal and maintenance. The clerk and the tree division shall have the authority to supervise, inspect, and/or approve all work done concerning trees and shrubbery in accordance with the terms of this chapter and the municipal code of ordinances. (Ord. 287 §1, 2001).