

# STREETS AND SIDEWALKS

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## 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 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 therefore. A written application for such permit shall be filed with the City and shall contain the following:
  - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
  - B. A statement of the purpose, for whom and by whom the excavation is to be made;
  - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
  - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of five thousand dollars (\$5,000.00) may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
  - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
  - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, 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 therefore 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 in an amount set by resolution of the Council 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. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

**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 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.

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

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary by the Street Superintendent under any driveway or any other access to the owner's property. Before work can begin, a permit must be applied for at City Hall. Failure to obtain a permit will be considered a misdemeanor. If replacement or

repair is required of any culvert, all costs for culvert materials and surfacing of driveway shall be the owner's expense. If such costs are not paid for when required by the City, the costs shall be certified to the County Treasurer and specifically assessed against the property as provided by law. The City's culvert policy shall define culvert needs and usage.

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## CHAPTER 136

# SIDEWALK REGULATIONS

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**136.01 PURPOSE.** The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

**136.02 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 one (1) 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 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.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
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 to property abutting any sidewalk and includes any 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 all permanent public walks in business, residential or suburban areas.
8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, 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.

**136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.** The abutting property owner is responsible for the removal of snow and ice from sidewalks. Snow or ice from sidewalks may be disposed of along the curbs of the streets prior to the commencement of the City's snow removal operations. Snow or ice may not be disposed of on a street after the City's snow removal operations have been completed on that street, except in the business district. This section is not applicable to snow or ice from roofs, parking lots, driveways and private property other than sidewalks. Should any accumulation of snow or ice remain on any sidewalk in the City for ten (10) daylight hours after the same has fallen or been deposited thereon, it shall be the duty of the City Manager to cause such accumulation to be removed forthwith and without notice to the owner or occupant of the lot or property to which said sidewalk is adjacent; and at the next regular meeting of the Council, the Manager shall report to the Council the number of running feet of sidewalk cleared of snow and ice on any lot or parcel of ground, the actual expense thereof, the date when cleaned, the proper description of the lot or parcel of ground and the name of the owner thereof. The Council shall examine the cost of the removal against the lot, part of lot or parcel of ground and direct the Clerk to certify the cost and assessments to the County Treasurer; and it shall be collected with and in the same manner as general taxes as provided in Section 364.12 of the Code of Iowa.

**136.04 RESPONSIBILITY FOR MAINTENANCE.** It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

**136.05 ORDERING SIDEWALK IMPROVEMENTS.** The Council may order the construction, 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 fifteen (15) days of receipt of the notice.

**136.06 REPAIRING DEFECTIVE SIDEWALKS.**

1. Property Owner's Responsibility. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace or reconstruct all broken or defective sidewalks in the street right-of-way abutting said owner's property. Sidewalks which extend into the street right-of-way (including the ramp area, as well as sidewalks) and across alleys will be the responsibility of the City. If, after the expiration of the thirty (30) days, as provided in the notice, the required work has not been done, or is not in the process of completion,

the City Inspector shall proceed to repair, replace or reconstruct the sidewalk. Upon completion of the work, there shall be submitted to the Council an itemized and verified statement of expenditures for labor and material, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes.

2. Appeal Procedure. A property owner, upon receipt of notice from the City to repair or reconstruct all broken or defective sidewalk in the street right-of-way abutting said owner's property, shall be entitled to appeal the notice by the following procedure:

A. Within ten (10) days after receipt of notice, the property owner shall file in writing with the Clerk a request for appeal to the Manchester Building Inspector. The Building Inspector shall schedule a time to meet with the property owner to be held within five (5) days of receipt of the notice of appeal, to discuss issues raised by the property owner on appeal. The Building Inspector shall provide a written response by ordinary U.S. mail to the property owner within three (3) days of said meeting.

B. Within seven (7) days of mailing the written response by the Building Inspector to the property owner, the property owner shall file a written notice of appeal to the Clerk, requesting a hearing before the Sidewalk Repair Committee. The Sidewalk Repair Committee shall be comprised of two Council members and one person appointed by the Council. Within ten (10) days after filing a written notice of appeal to the Sidewalk Repair Committee, the Committee shall meet to hear and decide issues raised on appeal by the property owner. The Committee shall, by ordinary U.S. mail within three (3) days after the hearing, issue its written decision to the property owner.

C. Within seven (7) days after mailing the written decision of the Sidewalk Repair Committee to the property owner, the property owner shall file a written notice of appeal with the Clerk, requesting a hearing before the full Council. A hearing shall be scheduled with the Council within twenty-one (21) days after filing of notice of appeal to the Council by the property owner. Following hearing before the Council, a decision shall be made and voted upon by the Council. The decision of the Council shall be considered a final action.

**136.07 DANGEROUS CONDITIONS.** When a sidewalk is found to be in such a dangerous condition that, in the opinion of the Building Inspector, there should be no delay in remedying the deficiency, it shall be the duty of the City Manager immediately to cause to be erected sufficient barriers to protect the public until such time as the Council can authorize the defective sidewalk to be repaired or reconstructed.

**136.08 PERMIT REQUIRED.** No person shall make any sidewalk improvements, whether ordered by the Council or not, unless such person shall obtain a permit from the City Inspector and shall agree in writing that said person will, in making the sidewalk improvements, comply with the ordinances of the City and with the specifications for sidewalks approved by the Council and on file in the office of the Clerk, and that the work shall be done under the direction and supervision of the City Inspector and subject to the approval of that officer. Said person shall also agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or

agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises. All such permits shall be issued without charge, and a copy thereof, together with the written agreement referred to above, shall be filed and preserved in the office of the City Inspector. Before granting any permit to make sidewalk improvements, the City Inspector shall determine the propriety of the same and shall state in all permits issued when the work is to be commenced and when the sidewalk work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Inspector when, in the judgment of the Inspector, it is deemed necessary. All permits for the Council-ordered sidewalk improvements shall be issued in compliance with the resolution of the Council ordering the improvement. All permits for sidewalk improvement not ordered by resolution of the Council shall be issued in compliance with this chapter. The City Inspector may withhold the issuance of any permit for sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

**136.09 FAILURE TO OBTAIN PERMIT; REMEDIES.** Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications or when any sidewalk improvements are made without a permit, the City Inspector 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 City Inspector shall have the work completed and the costs assessed to the property owner as provided in this chapter.

**136.10 INSPECTION AND APPROVAL.** Upon final completion, the Building Inspector shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications and the permit, the City Inspector shall indicate this on both copies of the permit.

**136.11 ASSESSMENTS TO PRIVATE PROPERTY.** The City may assess to private property within the City costs of construction and repair of sidewalks within the City all pursuant to the rights, duties and procedures established in Chapter 384 of the Code of Iowa. Nothing in this chapter shall be considered or construed to limit or prohibit the City from following and implementing the special assessment procedures outlined in the Code of Iowa for sidewalk improvements, including the initial construction thereof.

**136.12 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING.** When the City Building Inspector submits a bill for sidewalk improvements or for the removal of accumulations as provided in this chapter, the Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by 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 within thirty (30) days 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. The time set for hearing shall be at least fifteen (15) days after service or mailing of the notice.

**136.13 HEARING AND ASSESSMENT.** At the time and place designated in the notice provided for herein, the Council shall consider all objections to the assessment, correct all

errors or omissions and adopt a corrected list of the amounts to be assessed against the property.

**136.14 CERTIFYING TO THE COUNTY TREASURER.** Thirty (30) days after the Council's decision, the Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds one hundred dollars (\$100.00) may be paid in installments as set by the Council, not exceeding ten (10), 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 (30) days of the time the Council has determined the final amounts.

**136.15 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, unless otherwise authorized by the Council.
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 four-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 so graded that the constructed sidewalk will be at 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 four (4) feet in length.
  - B. Central Business District (as defined in the Zoning Ordinance) sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. 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.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to circumstances.
7. Elevations. All elevations of sidewalks are to be established by the City Inspector with assistance from the City Engineer on a case-by-case basis.
8. Slope. All sidewalks shall slope one-quarter ( $\frac{1}{4}$ ) inch per foot toward the curb, but in no event more than one-half ( $\frac{1}{2}$ ) inch per foot toward the curb.
9. Finish. All sidewalks shall have a steel trowel finish followed by a "broom" or "wood float" finish.
10. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at

intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

*(Code of Iowa, Sec. 216C.9)*

All sidewalk improvements on 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 City Building Inspector, and in accordance with the standard sidewalk specifications set forth in this chapter.

**136.16 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the constructor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.17 FAILURE TO REPAIR OR BARRICADE.** It shall be the duty of the owner of the property abutting the sidewalk (or the owner's contractor or agent) to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.18 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or remove or destroy any part or all of any sidewalk or approach thereto, or remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice or warning device provided by this chapter.

**136.19 MERCHANDISE DISPLAYS AND SALE STANDS.**

1. Temporary stands for the sale of goods or merchandise, small movable advertising signs, small movable racks for holding goods or merchandise and other privately owned articles may be permitted to be erected or placed on the sidewalks of the downtown business district of the City; provided, however, such items shall not be placed within five (5) feet of the street curb.
2. Temporary stands for the sale of goods or merchandise, small movable advertising signs, small moveable racks for holding goods or merchandise and other privately owned articles may be permitted to be erected or placed on the entire sidewalk and/or streets of the City; provided, however, a permit therefore shall first be obtained from the Mayor, who may or may not issue the permit at the discretion of the Mayor, taking into consideration the size and kind of object and the amount of traffic

at such point. All such permits which may be issued by the Mayor shall be subject to revocation by the Mayor at any time without notice, whereupon the obstruction shall be removed at once from the sidewalk and/or street. There shall be no fee for the permit; however, anyone who fails to obtain such a permit shall be guilty of a misdemeanor.

3. Merchants shall not leave upon the sidewalks in front of their places of business on any of the streets of the City any goods, wares or merchandise which may be left there by the person delivering or receiving them to or from the owner or occupant of any place of business for a longer period than two (2) hours, nor shall such merchandise at any time block the flow of pedestrians using the sidewalks.

**136.20 DISCHARGE OF WATER ACROSS SIDEWALKS.** It is unlawful for any person to cause waterspouts, troughs or gutters from any building owned or leased by said person to discharge or conduct water upon the surface of any sidewalk in the City, but permission may be given by the Council to conduct water over or under any sidewalk under the direction of the City Manager.

**136.21 DUTY TO TRIM SHRUBS AND TREES.** Notwithstanding other provisions of this Code of Ordinances, it is hereby made the duty of every person owning or occupying any land abutting a sidewalk within the City to keep all shrubbery or trees extending over the sidewalk trimmed so that all branches are at least seven (7) feet above the surface of the sidewalk and also to keep said space clear of debris.

**136.22 MAINTENANCE AND REPAIR OF BIKEWAYS/WALKWAYS.** The bikeways/walkways specified below shall be maintained and repaired by the City. The obligation of the City to maintain and repair the above-described bikeways/walkways shall relieve abutting property owners of responsibility for maintenance and repair of the above-referenced bikeways/walkways as may arise from Chapter 136.03, 136.04, 136.05, 136.06, 136.07 and 136.08 of this chapter:

1. South side of Acers Street from Doctor Street to Stiles Street;
2. West side of Stiles Street from Acers Street to Prospect Street;
3. North side of Stearns Drive from North Franklin Street to Ridgewood Drive;
4. East side of Bailey Drive from Main Street to Brewer Street;
5. West side of Brewer Street from Vine Street to Bailey Drive.

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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])*

<b>EDITOR'S NOTE</b>			
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.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
53	April 16, 1877		
128	April 15, 1895		
217	April 8, 1912		
232	August 24, 1914		
235	February 28, 1916		
240	July 16, 1917		
258	October 16, 1922		
265	September 17, 1923		
269	June 30, 1924		
50	September 21, 1931		
76	August 19, 1940		
79	July 21, 1941		
84	January 18, 1943		
94	July 29, 1947		
100	May 17, 1948		
107	September 18, 1950		
110	May 2, 1951		
140	June 18, 1962		
156	June 21, 1965		
212-74	October 21, 1974		
215-75	June 16, 1975		
215-75B	September 29, 1975		
241-77	September 19, 1977		
267-81	November 16, 1981		
268-81	December 7, 1981		
286-84	May 21, 1984		
294-85	June 17, 1985		
322-87	June 1, 1987		
345-88	September 19, 1988		
354-89	June 5, 1989		
368-90	September 24, 1990		
373-91	April 1, 1991		
425-95	August 7, 1995		
447-96	March 19, 1996		
007-99	May 3, 1999		
019-99	November 15, 1999		
014-2000	August 7, 2000		
017-2000	October 16, 2000		
001-2004	January 12, 2004		
009-2006	October 23, 2006		

## 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
147	September 30, 1963	001-2008	January 28, 2008
158	March 4, 1966		
189-70	August 13, 1970		
414-94	September 6, 1994		
448-96	May 6, 1996		
449-96	June 3, 1996		
455-96	September 3, 1996		
5-97	June 2, 1997		
021-98	January 5, 1998		
023-98	March 2, 1998		
024-98	April 6, 1998		
033-98	October 19, 1998		
003-2000	February 21, 2000		
004-2000	March 6, 2000		
008-2000	June 19, 2000		
033-2001	April 16, 2001		
034-2001	May 7, 2001		
035-2001	June 4, 2001		
038-2001	August 20, 2001		
001-2002	March 18, 2002		
012-2002	December 16, 2002		
016-2003	January 26, 2004		
017-2003	January 26, 2004		
002-2005	March 14, 2005		
003-2005	May 9, 2005		
001-2006	February 13, 2006		
002-2006	February 27, 2006		
003-2007	May 29, 2007		

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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. 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 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 Manchester, 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 change 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.

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