

TITLE VII - TRANSPORTATION

STREETS AND ALLEYS

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TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 175
USE AND MAINTENANCE

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- 175.13 Driveway Culverts
- 175.14 Sign Posts and Other Structures
- 175.15 Building Material

175.01 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person willfully to 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)

175.02 OBSTRUCTING OR DEFACING. It shall be unlawful for any person to obstruct, deface, or injure any street or alley in any manner.
(Code of Iowa, Sec. 716.1)

175.03 PLACING DEBRIS ON - LITTERING. It shall be 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, landscape waste, yard waste or any other debris. (Ord. 2007-1669 - Jul.07 Supp.)
(Code of Iowa, Sec. 321.369)

175.04 PLAYING IN. It shall be 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])

175.05 TRAVELING ON BARRICADED STREET OR ALLEY. It shall be 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.

175.06 USE FOR BUSINESS PURPOSES. It shall be 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.

175.07 WASHING VEHICLES. It shall be 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 shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street or alley.

175.08 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.

175.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the Code of Ordinances.

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, for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said excavation and restoration of the street or alley 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/property owner.

4. Bond Required. The applicant shall post with the City a penal bond, in the minimum sum as established by resolution of the Council, 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 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, 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.

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 has the right to finish or correct such work and the expense shall be charged 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. Permit Fee (Repealed by Ord. 2007-1659 - Apr. 07 Supp.)

11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

175.10 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[c])

175.11 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])

175.12 DUMPING OF SNOW. It shall be 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, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

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

175.14 SIGN POSTS OR OTHER STRUCTURES. No billboard, advertising sign or device, fence other than right-of-way boundary fence, or other obstruction except signs or devices authorized by law or approved by highway authorities shall be placed, erected or maintained upon the right-of-way of any public street or highway.

175.15 BUILDING MATERIAL. No person shall place or deposit any building material in any street, without a written permit from the City Manager, subject to revocation by the Council, to use part of the street in front of or adjacent to the lot whereon such building is being erected for depositing therein the material for such building, but all material shall be placed in such a manner as not to obstruct the gutters of the street. The person occupying a portion of the street shall, at all times, enclose or guard the same in such manner as to protect persons and animals from injury thereby, and with barricades and warning lights.

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 176
VACATION AND DISPOSAL

176.01 Power to Vacate	176.04 Findings Required
176.02 Planning Commission	176.05 Disposal of Vacated Streets or Alleys
176.03 Notice of Vacation Hearing	176.06 Disposal by Gift Limited

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

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

176.02 PLANNING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the Planning Commission for its study and recommendation prior to further consideration by the Council. The Planning 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)

176.03 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.

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

1. Public Use. The street or alley 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.

(Code of Iowa, Sec. 364.15)

176.05 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, or portion thereof, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

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176.06 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, 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>TITLE</u>
42	Vacate S. 42' of Dubuque between River & Union
81	Seneca Street vacated South of Pleasant Street
82	Narrows Webster Street from W. line Superior to E. line of Prospect
83	Vacates St. N. of Block 114 D. & Pac. R.R. Add.
84	Vacates Superior St. North of Ill. Central R.R. for Water Works
17	(1-19-75) Vacate for Court House
36	Vacated alley Block 4 & 5, Odell & Willson Addition.
39	Vacates portion of Des Moines St. (between Bank & Elm) for Water Works
48	Vacates Grove St. North of James Street
57	Vacates Elm Street East of River Street
65	Vacates Elm Street East of River Street (duplicate of 57)
70	Vacates Dubuque 15' Wide Willson Avenue to Des Moines & Lots 1 to 7 incl., Block 26, City
71	Vacate alley. Block 33 & 34 Orig. Town
72	Vacate Street between Ct. House & Sch. House from Bank to Elm
126	Vacate James Street east of North line of Superior Street
133	Vacates Street North of Superior & Block 113-W.C. Brick & Tile
143	Vacates Dubuque Street Lots 13, 4, 5, 6, Block 25
149	Vacates Alley Block 8, Lawn Hill, Lots 1 to 4 incl.
151	Vacates Alley, Block 7, Lawn Hill, Lots 1 to 4 incl.

<u>ORDINANCE NO.</u>	<u>TITLE</u>
161	Vacates part of Division Street and alley in Block 9, D & P R.R.
178	Vacates portion of 4th St. (Ill. Cent. R.R. R.O.W.)
185	Vacates portion of Woolsey Ave. (Repealed by 190)
190	Vacates portion Woolsey Ave. S. Line of El.R.R. to N. line of Ill. R.R.
218	Vacates Alley Block 6, W.C.
228	Vacates portion of Dubuque St.
260	Vacates portion of Pleasant St.-- W. of Willson Ave. 4-5-1905
295	Vacates 33 Strip Blocks 6 & 7 West, New Castle Add.
297	Vacates 33' Strip--West New Castle
298	Vacates part of 4th St. 3-31-1911
300	Vacates 14' off W. Side Superior St. from Ill. Central R.R. S. to alley-- April 4-1911
301	Union Street vacated in South Webster City
309	Vacates Seneca St. N. of Ill. Central R.R. R.O.W. (Nov. 6-1911)
340	Vacates Alley abutting Lots 6 & 7, Blk., 7, Orig. New Castle
354	Vacates Alley--between Lots 2 & 3, Blk. 8, Orig. New Castle
368	Vacates Alley Lots 4 & 8, Div. 4, Sec. 10, Hopevale Graceland Cemetery
370	Vacates Alley Blk 8, Orig. N. Castle Between Lots 6 & 7
377	Vacates Fink St.
378	Vacates highway (west of marvel Sales Barn)
388	Vacates Funk St. between 3rd St. & James St.
396	Vacates Fink St. between Boone & Ohio
422	Vacates Road on W. Side of Graceland Cemetery
432	Vacates portion of 2nd Street
455	Vacates Alley--Lots 6 & 7, Blk 2, Orig. New Castle
459	Vacates 6' off E. side of Young St. from 4th St. S. 80' to Ill. Cent. R.R.
571	Vacates alley between Lots 6 & 7, Blk 6 of New Castle
573	Vacates part of Superior Street.
585	Vacates alley--between Lots 6 & 7, Block 5 New Castle
594	Vacates Alley--Lots 2 & 3, Blk 7, New Castle
595	Vacates Alley--Lots 6 & 7, Blk 5, New Castle
625	Vacates Alley, Blk 8, North W.C.

<u>ORDINANCE NO.</u>	<u>TITLE</u>
654	34th St. vacation (Hart-Carter Factory)
672	Vacates Alley Blk 3, Lawn Hill, Alley Blk 18, Park Add.
673	Vacates Elm Ave. between Linn St. & 2nd & alley between Lots 6 & 7, Block 4, New Castle
675	Vacates Alley between Lots 2 & 3, Blk 4, New Castle and alley between Blk 42 & 45, Orig. Town
678	Vacates S. 12' of N. 21' of Dubuque Street
682	Vacates William St. West of West line of Broadway
690	Vacates Alley between Lot 2 & 3, Blk 1, Newcastle
696	Vacates St. or alley adjoining Blk. 11, Park Add
697	Vacates Strip W. side River St. Lot 8, Blk. 8, New Castle
698	Vacates Portion of Elm Ave. & Alley Blk 8, Park Add.
702	Vacates Portion of Creet St. (Indep. School Dist.)
722	Vacates Portion of Betsy Lane except extens. of Sunset Drive
725	Vacates alley Bik 7 North W.C. (Beam Mfg. Co.)
732	Vacates Third St. between Seneca and Willson Aven. (Morton Packing)
752	Vacating E 17 1/2 ft. of Prospect Street North of 2nd St. to Alley
771	Vacating a strip of land 5 ft. wide off North side of Second Street abutting Lot 13 in Block 3 Lawn Hill Addition and sold to Cities Service Oil Co.
813	Vacates part of alley in Block 4 - Newcastle Addition
818	Vacates part of alley in Block 3 - Newcastle, Addition
867	Vacates portion of alley south of Lots 3 & 4 Blk 42
929	Vacating a portion of Stockdale Street
932	Vacating a Street Right-of-Way North of Bell Avenue at Hilltop School
938	Vacating an unused alley adjacent to the Five Hundred Block of Stockdale Street
939	Vacating a portion of Stockdale Street and Willson Avenue

<u>ORDINANCE NO.</u>	<u>TITLE</u>
943	Vacates unused East-West alley in Block 14, Park Addition, between willow Street and Hazel Street
945	Vacates portion of Stockdale Street between Des Moines Street and Willson Avenue
970	Vacating an alley between Consol. Freight Storage and Weaver Ready Mix
988	Vacating Seneca Street north of the Illinois Central Railroad tracks and a portion of Stockdale Street
1008	Vacating North Street from the west line of the Chicago and Northwestern Railway property of the Boone River
1023	Vacating a portion of the alley located north of Second Street (the 800 block)
1028	Providing for the vacation of that portion of the alley lying between lots 2 & 3, Block 5, original Newcastle Addition lying south of the C & NW Railway Company right-of-way
1051	Providing for the vacation of an unused portion of Creek Street
1052	Providing for the vacation of an unused portion of Seneca Street just south of the Illinois Central Gulf Railroad tracks.
1060	Providing for the vacation of a portion of Clark Street
1061	Providing for the vacation of Fourth Street between Seneca Street and Des Moines Street
1093	Providing for the vacation of the Alley in Block 10, Park Addition
1106	Providing for the vacation of a portion of Lynndale Drive
1108	Providing for the vacation of Fourth Street located in the new water plant property
1154	Vacates easement property consisting of the South 5 feet of Lots 1 through 3, incl., of Ross Park First Addition
1155	Vacates easement property consisting of the West Five Feet of Lot Five, the East Five Feet of the South 73.6 Feet of Lot Six and the west Ten Feet of Lot Six of Carsey Subdivision
1156	Vacates all that part of Willson Avenue lying west of Lot 5, in Block 7, as platted in North Webster City June 26, 1860

<u>ORDINANCE NO.</u>	<u>TITLE</u>
83-1231	Vacation of the alleys adjacent to Lots 5, 6, 19, 20, and the east 25, of Lots 7 and 18 in Block 7, Lawn Hill Addition
83-1235	Vacation of all that part of West Avenue lying west of the west line of Block 3, Lawn Hill Addition
84-1238	Vacates East-West alley abutting Lots 1 through 8, in Block 2 of the Newcastle Addition
84-1242	Vacates the alley abutting Lots 10, 11, 12, 13, 14 and 15, Block 3, Park Addition
87-1303	Providing for the vacation of the alley located in Block 11, Dubuque and Pacific Railroad Addition and Original Webster City Addition, except that portion lying between Lots 4 & 5, Block 11, Original Webster City Addition
87-1306	Providing for the vacation of streets located in Odell and Willson Addition and North Webster City Addition
88-1314	Providing for the vacation of Fourth Street located in West New Castle Addition
88-1323	Providing for the vacation of Stockdale Street (lying between the west line of Des Moines Street and the East line of Prospect Street) and Lucas Street (lying between the west line of Des Moines Street and the East line of Prospect Street) located in Odell and Willson Addition and Jones and Smith Addition
90-1362	Providing for the vacation of Merritt Street lying between the west line of Des Moines Street and the east line of Propsect Street
90-1363	Providing for the vacation of the north six feet of Second Street right-of-way
91-1376	Providing for the vacation of an alley located in Block three (3), Park Addition
91-1377	Providing for the vacation of Franklin Avenue located in Edgewood Addition No. 1
92-1390	Providing for the vacation of an alley located in Block eight (8), Park Addition
92-1402	Providing for the vacation of alleys located in Block 19, Block 9, Block 21, and the vacation of the alley in Block 4 adjacent to Lots 10, 11, 12, 13, 14, and 15 all located in Park Addition
92-1403	Vacation of a portion of Hazel Street abutting Lot 1, Block 14, and Lot 9, Block 15, Park Addition

Supp. Sep-92

ORDINANCE NO.**TITLE**

94-1437	Vacation of the alley located in Block 20, adjacent to Lots 1 and 16, Park Addition
94-1439	Vacation of a portion of Millards Lane
98-1510	Vacation of a portion of Dubuque Street, Dubuque and Pacific Addition
99-1531	Vacation of alleys located in Block 111, Funk & Co. Addition, Block 111, Dubuque & Pacific Railroad Addition, and Block 110, Funk & Co. Addition
99-1532	Amends Ord. 99-1531 by providing the accurate legal description of the alleys vacated
99-1533	Vacation of a portion of Des Moines Street, Dubuque and Pacific Railroad Addition
2000-1548	Vacation of a portion of Seneca Street, West New Castle Addition
2002-1587	Vacation of a portion of Clark Street
2005-1635	Vacation of a portion of Maple Avenue right-of-way, Park Addition

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TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 177
STREET GRADES

177.01 Established Grades
177.02 Record Maintained
177.03 Datum

177.04 Bench Mark
177.05 Legal Standard

177.01 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.

177.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

177.03 DATUM. The City datum or base of levels for establishing the grades of all streets and for the elevations for all public works and private improvements within the corporate limits of the City shall be four hundred (400) feet above "Town Datum" as established by Ordinance July 7, 1875, said plane being four hundred (400) feet above low water of Mississippi River in 1864, at Dubuque, Iowa, and nine hundred eighty-four (984) feet above Mean Gulf level, (sea level) at Biloxi, Mississippi.

177.04 BENCH MARK. The City datum of base levels as provided in Section 177.03 hereof shall be indicated by the City bench mark located about fifty (50) feet south and twelve (12) feet east of the southwest corner of Bank and Des Moines Streets, being the top of a half-inch copper bolt, leaded vertically in a concrete monument set six (6) feet below ground. Elevation, sixty-four and one-one hundredth (64.01) feet above City datum as herein established.

177.05 LEGAL STANDARD. The elevation of the City bench mark as set out in Section 177.04 hereof shall be the legal and only standard representing City datum.

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

Ch. 802 of the 1967 municipal Code which codified ordinances 64 through 817 listed below
April 17, 1967

ORDINANCE NO.TITLE

64	Grades April 4, 1892 (Repealed by 159?)
131	Grades Jan. 12, 1899 (Repealed by 159?)
139	Grades Third St. Sept. 18, 1899 (Repealed by 159?)
142	Sidewalk line -- in front of K. Y. Library 3-5-1900
159	Repeals all ordinances as to grades - July 13, 1901
182	Sidewalk grades May 5, 1904
224	Sidewalk & St. Grade Second St. 6-17-1907
236	Grades Willson Avenue & 1st St. 5-3-1908
243	Grades 2nd St., Des Moines St., Willson Ave., Seneca St., Superior St. 1-18-09
253	Grade Market Square
267	Grades Alley between 1st & 2nd Des Moines & Willson Ave. 3-15-1910
271	Grades 2nd St. Prospect to Grove 1st Seneca to Grove Div. Seneca to Grove Des Moines Div. to Elm April 4, 1910
290	Grades Willson Ave. 1st to Div. 10-3-10
315	Grades Bank, Water, Elm, Walnut, Boone, Willson Ave., Des Moines, Prospect, Broadway 3-6-1912
327	Sidewalk Grade Dubuque St. Park to Bluff
341	Street & Alley Grades 5-14-1913
345	Street & Alley grades (amend Ord. 341)
351	Street Grades (amends 315) 7-8-1913
353	Street Grades (amends 315) 7-11-1913
356	Sidewalk Grades--Odell & Des Moines

<u>ORDINANCE NO.</u>	<u>TITLE</u>
360	Street Grades--Boone, Cedar, Webster & Ohio
361	Street Grades Ohio, Webster, Dubuque, Bank, Division, Grove, Elm, Water, Alley between 2nd and 3rd, Broadway, Prospect 2-2-14
363	Street Grades--amends 361
371	Sidewalk & Street Grades (Pleasant Street and Others)
387	Alley Grade (Block 37)
394	Street Grades--Prospect 7-19-1915
395	Street Grades--Cedar, Webster, Ohio, Grove, Broadway, Fink, Wauneta Court, & Sparboe Court
407	Street Grades--Des Moines, Prospect & Broadway 3-27-16
409	Changes Street Grades--Des Moines between Lucas & Odell 8-21-16 27
413	Street Grades
426	Sidewalk Grades
449	Street Grades--High St. Aug. 18, 1922
497	Street Grades--Second Street from Boone River Bridge East
546	Street Grades--Alley Block 107-99 D. & PRR & 107 of Funk & Co's. 11-6-33
555	Street Grades--Second Street 9-17-34
576	Sidewalk Grades
586	Grades-- 1st & Union Streets 10-7-3 6
688	Street Grades--May 16, 1949
689	Repeals 130-314-362 Curb Lines
695	Street Grades August 15, 1949
708	Street Grades 12-3-51
714	Street Grades 12-15-52
724	Street Grades
740	Street Grades 1-3-56
747	Sidewalk Grades 10- 1 -56
748	Sidewalk Grades 11-18-57
758	Street Grades I 1- 18-57
774	Street Grades 12-7-59
788	Street Grades 11 -20-61
817	Street Grades on James Street
924	June 17, 1968 Establish or re-establish the center line grades on certain streets
1070	June 21, 1976 Street Grades - Beach Street
1096	January 3, 1978 Street Grades
1110	December 18, 1978 Street Grades - Ohio Street

<u>ORDINANCE NO.</u>	<u>TITLE</u>
1167	April 6, 1981 Street Grades
1188	March 15, 1982 Street Grades
1191	March 15, 1982 Street Grades
1192	March 15, 1982 Street Grades
83-1223	June 6, 1983 Street Grades
85-1262	September 3, 1985 Summit Drive and North Terrace Drive
86-1279	August 4, 1986 Street Grades - West Second Street
86-1282	August 18, 1986 Street Grades - South Des Moines Street
86-1285	September 15, 1986 Street Grades - Closz Drive
88-1314	June 20, 1988 Street Grades - Darren Avenue
88-1315	June 20, 1988 Street Grades - Industrial Park Road
88-1316	June 20, 1988 Street Grades - Third Street
88-1317	June 20, 1988 Street Grades - Superior Street
95-1454	November 20, 1995 Street Grades - Lynx Avenue
96-1464	April 1, 1996 Street Grades - Fairmeadow Drive, North Terrace Drive, Summit Drive and Rodlyn Road
96-1468	June 3, 1996 Street Grades - Summit Drive
97-1503	Street Grades - Oakwood Drive
99-1536	September 20, 1999 Street Grades - Brewer Creek Estates 3 and 4' Additions
2000-1546	July 3, 2000 Street Grades - Tasler Drive
2000-1547	July 3, 2000 Street Grades - Home 4' Addition
2000-1549	August 7, 2000 - Second Street
2001-1563	April 16, 2001 - Second Street

<u>ORDINANCE NO.</u>	<u>TITLE</u>
2002-1575	June 17, 2002 – Closz Drive
2002-1579	July 1, 2002 – Oakwood Drive and Delaware Drive
2002-1589	September 16, 2002 – Virginia Parkway
2003-1602	July 21, 2003 – Commerce Drive
2004-1617	May 17, 2004 – Commerce Drive
2009-1694	February 16, 2009- Red Bull Division Drive and Unamed Street

WEBSTER CITY, IOWA

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 178
NAMING OF STREETS

178.01 Naming New Streets

178.04 Official Street Name Map

178.02 Changing Name of Street

178.05 Revision of Street Name Map

178.03 Recording Street Names

178.01 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 Commission. Proposed street names shall be referred to the planning commission for review and recommendation.

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

178.03 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. 409A.26)

178.04 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 178.04 of the Code of Ordinances of Webster City, Iowa."

178.05 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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TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 179
BUILDING NUMBERING

179.01 Definitions

179.03 Building Numbering Map

179.02 Owner Requirements

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

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

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

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained 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, Sec. 364.12[3d])
3. Failure to Comply. 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, Sec. 364.12[3h])

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

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 180
CONTROLLED ACCESS FACILITIES

180.01 Statement of Policy	180.06 Permit
180.02 Definitions	180.07 Fee for Permit
180.03 Types, Number and Arrangement of Entrances	180.08 Driveway Requirements
180.04 Drainage Requirements	180.09 Sidewalks
180.05 Additional Requirements for Commercial, Industrial or Residential Developments	180.10 Excavations
	180.11 Revocation of Permit
	180.12 Inspection and Approval
	180.13 Appeal for Exceptions

180.01 STATEMENT OF POLICY. The City hereby establishes the following rules for control of access to City streets.

1. Property Rights. The City shall at all times recognize that no property owner shall be deprived of the right to reasonable, free and convenient access to the owner's property without just compensation therefor.

2. Consideration. In connection with each application of access rules to a particular situation, the City shall at all times consider the following:

- A. Safety to the traveling public.
- B. Perpetuation of the traffic-carrying capacity of the street.
- C. The impact upon the economy of the City.
- D. Protection of the rights of property owners, including the rights of abutting property owners.
- E. The rights and convenience of the traveling public and of property owners to have access to homes and business facilities.

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

1. "Driveway" or "Entrance" means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. "Paving" includes any kind of hard surfacing including, but not limited to, Portland Cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" does not include surfacing with oil, gravel, oil and gravel, or chloride. Driveways for apartments of four or more units, businesses, schools, churches, and industries shall be a minimum of six (6) inches thick P.C.C.
3. "Access" is defined as a means of ingress or egress between a City street and abutting property or a public road.
4. "Frontage" means the length along the street right-of-way line of a single property tract. Corner property at a public road intersection has a separate frontage along each roadway.
5. "Frontage Road" means a public street or road auxiliary to and usually located alongside and parallel to a primary highway or arterial street for purposes of maintaining local road continuity and for control of access.
6. "Shoulder" means the portion of the street contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.
7. "Right-of-Way Line" means the boundary line between the land acquired for or dedicated to street use and the adjacent property.
8. "Turning Lane" means an auxiliary lane, including tapered areas, primarily for the acceleration or deceleration and storage of vehicles entering or leaving the through traffic lanes.
9. "Traffic Control Devices" means all signs, signals, markings, and devices that conform to the Iowa Manual on Uniform Traffic Control Devices, placed or erected by authority of the public body or public agency having jurisdiction, for the purpose of regulating, warning or guiding traffic.

10. "Median" means the portion of a divided highway or divided driveway separating the traveled ways for opposing traffic. Medians may be depressed, raised or painted.

A. New median openings for private or commercial use shall not be permitted in the primary highway except for intersecting public roads or streets or large traffic generating facilities such as large shopping centers or industrial plants. Median openings may be permitted if satisfactorily justified and in the public interest. Costs incurred for additional median openings shall not be borne by the City.

180.03 TYPES, NUMBER AND ARRANGEMENT OF ENTRANCES.

1. Types of Entrances. Entrances are divided into the following three (3) types according to their normal peak hour potential traffic during an average day:

A. Type "A" Entrance. An entrance developed to carry one hundred fifty (150) vehicles or more per hour. The entrance shall be no more than sixty (60) feet in width. Possible examples: sporadic, heavy concentration of vehicles to or from drive-in theaters, large industrial plants, or continuous heavy traffic to or from shopping centers.

B. Type "B" Entrance. An entrance developed to carry at least twenty (20) vehicles, but fewer than one hundred fifty (150) vehicles per hour. The entrance shall be no more than thirty-five (35) feet in width. Possible examples: vehicles entering or exiting service stations, small businesses, drive-in food stands, banks, and light industrial plants.

C. Type "C" Entrance. An entrance developed to carry fewer than twenty (20) vehicles per hour. The entrance shall be no more than thirty-three (33) feet in width. Possible examples: field, farm or residential entrances that serve not more than three (3) dwellings, or any other entrance which generates fewer than twenty (20) vehicles per hour.

(Ord. 2 000-1557 - Jan. 01 Supp.)

2. Sight Distance. The distance of clear vision along the street in each direction from any given point of access where a vehicle must stop before entering the street is determined by measuring from a point 3.75 feet above the entrance surface to a point 4.5 feet above the street surface. The minimum stopping sight distances and the desirable sight distance for various posted daytime speed limits shall be as listed below:

POSTED DAYTIME SPEED LIMIT (Mph)	DESIRABLE SIGHT DISTANCE (feet):	MINIMUM STOPPING SIGHT DISTANCE (feet)
55	650	415
50	550	350
40	450	275
30	350	200
25	300	175

3. Property Lines. The return of the entrance at the curb line shall not extend beyond the property line or property line extension. An entrance to serve two (2) properties abutting the street may be established centered on the property line by mutual agreement of the property owners.

4. Number and Arrangement of Entrances. In general, a property abutting the street may be granted only one entrance to the street. Service stations and similar type developments which offer a drive-up type service, and which do not abut another public road system, may be authorized two (2) entrances to the street. Service stations and similar type developments which do abut another public road system and have sufficient frontage to provide that the curb stop nearest the intersection is located fifty (50) feet or more from the curb tangent point, may also be granted two (2) entrances to the street. Other types of developments with adequate frontage may be authorized two (2) entrances at not less than two hundred (200) feet intervals. It shall be the responsibility of the applicant to show cause for the need for more than one access location directly to the street.

5. Width of Entrance. Width of entrance shall be measured parallel to the edge of the street pavement where the normal curb line would be placed.

180.04 DRAINAGE REQUIREMENTS. Adequate drainage for all access locations shall be provided as follows:

1. Entrances. Entrances must be constructed so that they do not adversely affect the street drainage or drainage of the adjacent property. The drainage and the stability of the street subgrade must not be impaired by driveway construction or roadside development. In no case may the construction of an entrance cause water to flow across the street pavement, or to pond on the shoulders or in the ditch, or result in erosion within the street right-of-way limits.

2. Site Drainage Discharge. Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the street drainage system unless expressly approved by the City. The applicant may be required to submit a drainage study to the City justifying the drainage system proposed and the pipe or sewer sizes to be used. Laws governing natural drainage must be adhered to at all times.

3. Culverts. When the construction of an entrance necessitates crossing a highway or street ditch that has been constructed to carry drainage, a drainage structure shall be installed in the ditch by the applicant at the applicant's expense. The low point of the ditch shall dictate the location for the culvert placement unless specified differently by the City. Under no circumstances shall existing ditches or gutters be filled without adequate alternate provisions for drainage.

4. Curb Drainage. Where drainage is carried along an existing curb, the entrance shall be constructed with a short rise in elevation to prevent runoff from spilling into private property. The flow line of the gutter through the entrance shall be restored. Where curbs are cut for the construction of entrances, the entire curb and gutter section or a minimum of a two (2) foot wide strip of integral paving shall be removed. Removal of only the raised portion of the curb and then paving over the broken section shall not be allowed. Cut curb ends shall be replaced and tapered from full height to pavement level in a distance of approximately six (6) feet.

180.05 ADDITIONAL REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL DEVELOPMENTS. The following additional requirements or guidelines shall be applicable to commercial, industrial, or residential developments:

1. General. The following general provisions shall apply:

A. The most important factors in developing an access plan for a commercial site are a determination of the potential traffic generated by the site and the directional distribution of site-generated traffic on the major approach routes and proposed driveways serving the site. Entrances serving developments represent an important element in the efficiency and safety of the street onto which their traffic enters and exits. In order to properly handle traffic from such entrances, the anticipated traffic volumes must be determined by the applicant and submitted to the City.

B. The location of entrances, particularly commercial ones, is a critical factor in minimizing the hazard and disruption to traffic and pedestrians. Sites must be developed to permit entrances to be well located.

C. Adequate storage must be provided on commercial sites so that vehicles do not wait on the street to enter. Adequate storage space is a function of the demand volume, service time per facility, and the number of service facilities available. The geometrics of the internal circulation control a portion of the service time. The service time is dependent upon the time required to maneuver into position and the time necessary to obtain the service. The radii of internal curves, should be as large as possible. Buildings should be arranged on the site to allow for the maximum storage available on the site for existing traffic, and situated so they will not disrupt the free flow of entering traffic.

D. Service station sites should be designed to provide a minimum distance of fifteen feet from the right-of-way line to the near edge of the pump island.

E. When property is being developed, consideration must be given to locating the access directly opposite an existing commercial entrance or street connection.

F. To properly review an entrance permit request, the City must be provided with a plan, drawing or sketch of the property or site that is to be served by the access as requested. This may vary from a simple sketch in the case of a Type "B" or "C" entrance to a detailed plan in the case of a Type "A" entrance.

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2. Shopping Center and Industrial Access Requests. All entrance permit requests for shopping centers and industrial developments shall when applicable for the development proposed include the following in detail:

- A. Type and location of proposed development.
- B. Site plan.
- C. Location of all proposed entrances, turning lanes on adjacent highways or streets, and internal traffic lanes and parking facilities within the development area. This information shall be sufficiently complete to allow determination of dimensions, the direction of traffic flow, and restrictions caused by planting, curbing, medians, walls, signing, etc., to traffic.
- D. Detailed design of the proposed street pavement widening, additional lane provisions, relocations, and other improvements considered necessary to the efficient operation of the proposed development.
- E. Proposed traffic signal locations.
- F. Preliminary drainage data.
- G. Gross leaseable floor area in square feet.
- H. Number of parking spaces.
- I. Anticipated total daily trips inbound and outbound during an average twenty-four hour period. Special holiday shopping traffic shall not be used for this estimate.
- J. Estimated hourly shopping center traffic volumes arriving and departing during each of the following hourly periods:
 - (1) The normal street peak hour (usually 5:00 to 6:00 p.m.).
 - (2) The peak outbound shopper hour (usually the closing hour).
- K. Distribution of shopping center traffic via individual entrances. Hourly volumes should be shown for each of the hours mentioned in Paragraph "J" above.

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L. Distribution of shopping center traffic by percentage of total daily trips via major streets from origin to shopping center.

M. Traffic analysis to be completed for total site development even if only part of the area is being developed at time of entrance request.

3. Action by the City following Preliminary Evaluation.

A. Upon receipt of the information furnished by the applicant, the, City Inspector shall either approve the request or notify the applicant of any revisions necessary before the request shall be approved.

B. Major commercial developments often involve a variety of special access requirements. In addition to the entrance permit, an agreement shall be drawn to fit the particular situation, outlining in detail the responsibilities of the applicant. After the design has been approved by the City, the City shall forward to the applicant an agreement which shall outline the responsibilities of the applicant and the City. The City shall not be responsible for costs incurred as a result of the proposed development.

C. No work shall be done within the street right-of-way until final approval has been given by the City.

D. The City reserves the right to inspect and approve any construction within the right-of-way. Failure on the part of the applicant to perform the work as required and agreed to in the agreement and attachments shall cause the City to revoke the permission as set forth in the agreement for such construction and deny use of the entrance until such time as these conditions are corrected. If the work performed by the applicant does not conform to the specifications, the City may make the necessary changes and charge the cost thereof to the party responsible, and may take court action if deemed necessary.

180.06 PERMIT. Before any person shall construct, modify, or repair a driveway, said person shall obtain a written permit from the City. A written application for the permit shall be filed with the City. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width,

and type of surfacing material to be used. No other plan shall be followed except by written permission of the City, and the City may allow amendments to the application or permit that do not conflict with this chapter. The City Inspector or authorized representative of the City shall issue the permit, bearing the signature of the City Inspector or representative and the date of issuance, a statement that the proposed plan, meets all of the requirements of this chapter, and that the construction repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six (6) months from the date of issuance, if not constructed within that time.

180.07 FEE FOR PERMIT. (Repealed by Ord 2007-1659 - Apr. 07 Supp.)

180.08 DRIVEWAY REQUIREMENTS. All driveways shall be of paving of a depth of not less than six (6) inches and shall be at least sixteen (16) feet in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub base of compact, clean, coarse gravel or sand shall be laid. The driveway shall slope not more than two (2) inches per foot toward the roadway.

180.09 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk unless grade change is approved by the City Engineer.

180.10 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for one year after refilling.

180.11 REVOCATION OF PERMIT. The City Inspector may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

180.12 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the City within thirty (30) days after completion of the work. The City Inspector shall keep a record of such approvals. If the City Inspector refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the City Inspector shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

180.13 APPEAL FOR EXCEPTIONS. Any exception to these regulations may be made by the Council upon written appeal explaining the need for the exception. Said written request shall be submitted to the City Engineering Department for an accompanying recommendation to the Council prior to action by the Council.

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS

CHAPTER 181
STANDARD ASSESSMENT POLICY

181.01 Standard Assessment Policy

181.02 Definitions of Assessable Street Improvements

181.01 STANDARD ASSESSMENT POLICY. The standard assessment policy for street improvements shall be as follows:

1. All street improvements as defined in Section 181.02 shall be assessed in the manner provided by State law and this Code of Ordinances.
2. All infrastructure requirements or other improvements required in street improvement projects and not included in Section 181.02 shall be financed through all financing methods available to the City except by assessment.
3. This policy applies to the maintenance, construction and reconstruction of streets. Streets in newly platted subdivisions shall be subject to subdivision requirements and other requirements of this Code of Ordinances.
4. The formula to be used in calculating the assessment against benefited property for all street improvements defined in Section 181.02 is:

$$F = 2-2 a$$

$$\text{where } a = \frac{75 - Y}{75}$$

where Y = The perpendicular distance from the improved street right-of-way to the property boundary line.

and F = the assessment factor for "Y" depth.

5. A lot with frontage on two non-intersecting streets will be assessed at a percentage, determined by the Council, of the assessable cost for the street improvement made to the street to the rear of the majority of the buildings. "Rear" is defined as opposite of the address.

181.02 DEFINITIONS OF ASSESSABLE STREET IMPROVEMENTS.

1. Street Construction and/or Reconstruction Projects. Maximum assessments are based on the following:

A. Existing street surface, curb and gutter removal and replacement shall be based on a street width of thirty-one (31) feet measured from back of curb to back of curb. Assessments will be based on paving up to six (6) inches deep and thirty-one (31) feet wide and shall be Portland Cement Concrete. Assessment cost shall not include intersections which shall be from the beginning to the end of the radius.

B. Preparation of the subgrade which may include the excavation and disposal of excess fill material and/or the hauling and placement of a select fill material. Said subgrade preparation shall also include any shouldering materials and erosion protection.

C. Removal and replacement of sidewalks and driveways will be included in the total assessable cost. Said replacement shall include Portland Cement Concrete and crushed rock driveway. The removal and replacement of sidewalks in the intersection area from the beginning to the end of radius shall not be assessed.

D. If the street construction contract includes water main or sanitary sewer main repair and/or replacement and the water and/or sanitary sewer services are identified as materials not currently approved in the City's standard specifications, said services shall be replaced to the limits defined as follows:

(1) Water services shall be assessed to the benefited property from the water main to and including the curb stop.

(2) Sanitary sewer services shall be assessed to the benefited property from the sewer main to the back of the sidewalk.

NOTE: The contract shall not include any work on private property that requires a license.

E. Seeding and/or sodding of areas disturbed during the reconstruction project including erosion control.

F. Legal, administrative, engineering and inspection fees and project contingencies.

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2. Street Resurfacing Projects. (Those projects requiring an excess of 1 ½ inch nominal thickness.) Maximum assessments are based on the following:

A. Street surface based on a street width of thirty-one (31) feet from back of curb to back of curb, subgrade repair, surface and full depth patching, joint repair and/or sealing, grinding or rotomilling, curb and gutter removal and replacement, removal and/or replacement of Portland Cement Concrete and crushed rock driveways, seeding and/or sodding of areas disturbed during the project including driveways, seeding and/or sodding of areas disturbed during the project including erosion control and shouldering.

B. Legal, administrative, engineering, and inspection fees and project contingencies.

C. The assessment shall not include work in the intersections from the beginning to the end of the radius.

