

Urbandale, IA Code of Ordinances

CHAPTER 99: STREETS AND SIDEWALKS

Section

Vacation and Disposal of Streets

- 99.001 Power to vacate
- 99.002 Planning and Zoning Commission
- 99.003 Notice of vacation hearing
- 99.004 Findings required
- 99.005 Disposal of vacated streets or alleys
- 99.006 Disposal by gift limited

Street Grades

- 99.020 Established grades
- 99.021 Record maintained

Naming of Streets

- 99.035 Naming new streets
- 99.036 Changing name of street
- 99.037 Recording street names
- 99.038 Official street name map
- 99.039 Revision of street name map

Controlled Access Facilities

- 99.050 Exercise of police power
- 99.051 Definition
- 99.052 Right of access limited
- 99.053 Access controls imposed
- 99.054 Unlawful use of controlled access facility
- 99.055 Permitted access points

Sidewalk Regulations

- 99.070 Removal of snow, ice and accumulations
- 99.071 Dumping of snow
- 99.072 Added safety measures
- 99.073 Fires on sidewalks
- 99.074 Fuel on sidewalks
- 99.075 Defacing
- 99.076 Debris on sidewalks
- 99.077 Water over sidewalks
- 99.078 Responsibility for maintenance
- 99.079 Failure to maintain sidewalks
- 99.080 Permit required
- 99.081 Building permit to require sidewalk
- 99.082 Application
- 99.083 Specifications for sidewalks
- 99.084 Sidewalk inspections
- 99.085 Paid by abutting property owner
- 99.086 Schedule of assessments
- 99.087 Filing of schedule of assessments
- 99.088 Objections to schedule of assessments
- 99.089 Adoption of schedule of assessments
- 99.090 Cost of repairing sidewalks

Mailboxes

- 99.100 Definitions
- 99.101 Visibility and obstruction
- 99.102 Curbside mailbox requirements
- 99.103 Custom-built mailbox requirements
- 99.104 Cluster-style mailbox requirements
- 99.105 Responsibilities of property owner

Appendix A: Mailboxes

Cross-reference:

Street grades, see TSO II

Street name changes, see TSO III

Vacations, see TSO I

VACATION AND DISPOSAL OF STREETS

§ 99.001 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 subchapter.

(Iowa Code § 364.12(2a)) (1999 Code, § 136.01)

§ 99.002 PLANNING AND ZONING COMMISSION.

(A) 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.

(B) The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

(Iowa Code § 392.1) (1999 Code, § 136.02)

§ 99.003 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.

(1999 Code, § 136.03)

§ 99.004 FINDINGS REQUIRED.

No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

(A) *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; or

(B) *Abutting property.* The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

(Iowa Code § 364.15) (1999 Code, § 136.04)

§ 99.005 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 Iowa Code § 364.7.

(Iowa Code § 364.7) (1999 Code, § 136.05)

§ 99.006 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.

(Iowa Code § 364.7(3)) (1999 Code, § 136.06)

STREET GRADES

§ 99.020 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.

(1999 Code, § 137.01)

§ 99.021 RECORD MAINTAINED.

The Clerk shall maintain a record of all established grades and furnish information concerning those grades upon request.

(1999 Code, § 137.02)

NAMING OF STREETS

§ 99.035 NAMING NEW STREETS.

New streets shall be assigned names in accordance with the following.

(A) *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.

(B) *Resolution.* All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.

(C) *Planning and Zoning Commission.* Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

(1999 Code, § 138.01)

§ 99.036 CHANGING NAME OF STREET.

The Council may, by resolution, change the name of a street.

(1999 Code, § 138.02)

§ 99.037 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.

(Iowa Code § 354.26) (1999 Code, § 138.03)

§ 99.038 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 subchapter. 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 § 99.038 of the Code of Ordinances of Urbandale, Iowa.

(1999 Code, § 138.04)

§ 99.039 REVISION OF STREET NAME MAP.

(A) If in accordance with the provisions of this subchapter, changes are made in street names, these 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).”

(B) The above entry shall be signed by the Mayor and attested by the Clerk.

(1999 Code, § 138.05)

CONTROLLED ACCESS FACILITIES

§ 99.050 EXERCISE OF POLICE POWER.

This subchapter shall be deemed an exercise of the police power of the city under Iowa Code

Chapter 306A for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Iowa Code § 306A.1) (1999 Code, § 139.01)

§ 99.051 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED ACCESS FACILITY. A highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon the **CONTROLLED ACCESS FACILITY** or for any other reason.

(Iowa Code § 306A.2) (1999 Code, § 139.02)

§ 99.052 RIGHT OF ACCESS LIMITED.

No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at designated points at which access is permitted.

(Iowa Code § 306A.4) (1999 Code, § 139.03) Penalty, see § 10.99

§ 99.053 ACCESS CONTROLS IMPOSED.

There are hereby fixed and established controlled access facilities within the city, described as follows:

- (A) Douglas Avenue;
- (B) Hickman Road; and
- (C) Merle Hay Road.

(1999 Code, § 139.04)

Statutory reference:

Authority, see Iowa Code § 306A.3

§ 99.054 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.

It is unlawful for any person to:

- (A) *Cross dividing line.* Drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on the controlled access facilities;
- (B) *Turns.* Make a left turn or a semicircular or U-turn except through an opening provided for

that purpose in the dividing curb section, separation or line;

(C) *Use of lanes.* Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line; or

(D) *Enter facility.* Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates the service road from the controlled access facility property.

(1999 Code, § 139.05) Penalty, see § 10.99

§ 99.055 PERMITTED ACCESS POINTS.

Points of access existing at the time of the original establishment of the controlled access facilities and those authorized by ordinances adopted by the Council are on file in the office of the Clerk. These allowable access points are contained in Ordinances No. 125, 129, 181, 182, 227, 234, 239, 87-18, 94-4, 96-9 and 2001-23.

(1999 Code, § 139.06)

SIDEWALK REGULATIONS

§ 99.070 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.

(A) It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks.

(B) When the city receives a complaint that snow or ice or accumulations of snow or ice or any unsafe condition has remained on any sidewalk for 24 hours or more, the city may notify the abutting property owners that the snow or ice or accumulations of snow or ice or unsafe conditions are to be removed by the abutting property owner within the next 12 hours or that the abutting property owner shall be subject to criminal prosecution.

(1999 Code, § 135.01) Penalty, see § 10.99

§ 99.071 DUMPING OF SNOW.

It is unlawful for any persons to remove snow, ice and accumulations from private premises and to deposit the same upon any public highway, street, avenue, alley, public square and commons within the city.

(1999 Code, § 135.02) Penalty, see § 10.99

§ 99.072 ADDED SAFETY MEASURES.

When ice has so formed upon any sidewalk that it cannot be removed, the owner, occupant or person in charge of abutting property shall keep the ice sprinkled with salt, ashes, sawdust or sand in

a manner as to prevent the sidewalk from being dangerous to persons using the same.

(1999 Code, § 135.03)

§ 99.073 FIRES ON SIDEWALKS.

It is unlawful for a person to make a fire of any kind on any sidewalk.

(1999 Code, § 135.04) Penalty, see § 10.99

§ 99.074 FUEL ON SIDEWALKS.

It is unlawful for a person to place or allow any fuel to remain upon any sidewalk.

(1999 Code, § 135.05) Penalty, see § 10.99

§ 99.075 DEFACING.

It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(1999 Code, § 135.06) Penalty, see § 10.99

§ 99.076 DEBRIS ON SIDEWALKS.

It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal or any other debris, or any other substance likely to injure any person, animal or vehicle.

(1999 Code, § 135.07) Penalty, see § 10.99

§ 99.077 WATER OVER SIDEWALKS.

It is unlawful for an abutting property owner to allow water from an improperly located eave or drain or from any roof to fall or drain onto a public sidewalk.

(1999 Code, § 135.08) Penalty, see § 10.99

§ 99.078 RESPONSIBILITY FOR MAINTENANCE.

It is the responsibility of the abutting property owner to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, any damaged, defective or broken sidewalks and to maintain in a safe and hazard-free condition all sidewalks outside the lot and property lines and inside the curb lines or traveled portion of the public street. If a sidewalk is deemed by the city to be unsafe and posing a public hazard, the city shall provide written notification to the abutting property owner that repair or efforts to repair the damage or condition to the sidewalk must be completed within 60

days of the date of notification. Failure or refusal by the abutting property owner, upon due notification by the city, to take corrective action will be cause for civil action.

(1999 Code, § 135.09)

§ 99.079 FAILURE TO MAINTAIN SIDEWALKS.

If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The noticed shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes the person notified is liable to it for any judgment rendered against the city and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified as to the existence of the defect or other cause of the injury or damage as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may obtain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

§ 99.080 PERMIT REQUIRED.

Any person desiring to construct, reconstruct or repair any sidewalk within the corporate limits of the city shall, before commencing construction, reconstruction or repair, apply for a permit to the city's Building Department.

(1999 Code, § 135.10)

§ 99.081 BUILDING PERMIT TO REQUIRE SIDEWALK.

Any person applying for a building permit for the purpose of erecting a new structure for occupancy shall also apply for a sidewalk permit covering the same premises set forth in the building permit if a full sidewalk is not already located thereon. The application shall include the full frontage on the street side of all lots and in the case of corner lots shall include both street sides of the lots. The requirements for a sidewalk permit in this section shall be in addition to the requirements for the construction of sidewalks by a subdivider as set forth in the city's subdivision regulations. Where subdivisions are platted with rear lot walks, these walks shall be installed according to the requirements of the city's subdivision regulations. These improvements shall be paid for by the developer and the permit obtained by the same. In the event that the sidewalk cannot be constructed at the time of the building permit, a bond or other surety may be required in lieu of sidewalk construction.

(1999 Code, § 135.11)

Cross-reference:

Subdivisions, see Chapter 159

§ 99.082 APPLICATION.

(A) The application for a permit shall contain the following:

(1) The name and address of the property owner of the property abutting the location where the sidewalk shall be constructed, reconstructed or repaired;

(2) A sketch or diagram showing the location, width and thickness of the sidewalk to be constructed, reconstructed or repaired and all entryways or driveways, crossing the sidewalk so as to provide access to the abutting property; and

(3) The name of the contractor or party who is to perform the construction, reconstruction or repair.

(B) The Clerk shall assess and applicant shall pay before any permit is issued a fee set by resolution, as approved by City Council.

(1999 Code, § 135.12)

§ 99.083 SPECIFICATIONS FOR SIDEWALKS.

A complete set of specifications for all walks, including ramps for persons with disabilities at intersections are available at the Engineering and Public Works Department of the city.

(1999 Code, § 135.13)

§ 99.084 SIDEWALK INSPECTIONS.

The Building Department, Department of Engineering and Public Works and the Urbandale Water Utility personnel are authorized to inspect, approve or disapprove the application for and construction of all sidewalks located within the corporate limits of the city. The party constructing, reconstructing or repairing any sidewalk shall call for inspections by notifying the inspector of sidewalks of the city when the subgrade has been brought to the elevation and grade as established by the city, and the forms have been set. A further inspection shall be called for and required upon completion of the sidewalk. Upon completion of all work and inspections as hereinbefore set out, the inspector of sidewalks for the city shall so certify upon the space provided on the permit to construct, reconstruct or repair sidewalks and shall certify that the sidewalk has been completed in accordance with the specifications and plans of the city.

(1999 Code, § 135.14)

§ 99.085 PAID BY ABUTTING PROPERTY OWNER.

The actual cost of repairing broken or defective sidewalks shall be paid by the owner of the property abutting thereon and shall be assessed against the property. This also applies to rear lot sidewalks.

(1999 Code, § 135.15)

§ 99.086 SCHEDULE OF ASSESSMENTS.

Whenever any sidewalk has been repaired as provided in this subchapter, the city official shall cause to be prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, and the amount charged to each lot, and for what work and materials the charge was made.

(1999 Code, § 135.16)

§ 99.087 FILING OF SCHEDULE OF ASSESSMENTS.

Upon the filing of the schedule of assessments for sidewalk repair with the Clerk, the Council shall, by resolution, set a date as the last date for filing written objections to the schedule of assessments, and the Clerk shall thereupon publish a notice in a newspaper of general circulation in the city.

§ 99.088 OBJECTIONS TO SCHEDULE OF ASSESSMENTS.

The Council shall consider all objections to the schedule of assessments for repairing sidewalks duly filed, and shall, by resolution.

(1999 Code, § 135.18)

§ 99.089 ADOPTION OF SCHEDULE OF ASSESSMENTS.

Upon adoption by the Council, the schedule of assessments for repairing sidewalks and the resolution approving such shall be certified by the Clerk to the County Auditor for collection in the manner provided by law.

(1999 Code, § 135.19)

§ 99.090 COST OF REPAIRING SIDEWALKS.

The cost of repairing sidewalks shall be paid from the proper fund and when collected shall be credited to that fund.

(1999 Code, § 135.20)

MAILBOXES

§ 99.100 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BREAKAWAY SUPPORT. A supporting post which shall be no larger than a four inches by four inches wood post or a metal post with a strength no greater than a two-inch diameter schedule 40 steel pipe and which is buried no more than 24 inches deep. A support post shall not be set in concrete unless specifically designed as a breakaway support system as defined in *A Guide for Erecting Mailboxes on Highways* published by the American Association of State Highway and Transportation Officials, May 24, 1984 (AASHTO).

CLEAR ZONE. An unobstructed flat area adjacent to the traveled portion of a roadway that is used for the recovery of errant vehicles.

CLUSTER-STYLE MAILBOX. A style whereby mailboxes, meeting the specifications of the United States Postal Service (“USPS”) with the inscription plainly legible “U.S. Mail” and “Approved by the Postmaster General,” are assembled and grouped together on a single area of land so that they are regarded as one unit. **CLUSTER-STYLE MAILBOXES** must be manufactured cluster-style mailboxes approved by both the city and the USPS.

CURBSIDE MAILBOX. A mailbox consisting of a lightweight sheet metal or plastic box meeting the specifications of the United States Postal Service (“USPS”) with the inscription plainly legible “U.S. Mail” and “Approved by the Postmaster General,” which is erected at the edge of a roadway or curbside of a street and is mounted on a breakaway support post, and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle.

CUSTOM-BUILT MAILBOX. A mailbox erected at the edge of a roadway or curbside of a street constructed using materials that do not meet the definition of a curbside mailbox and breakaway support.

(Ord. 2009-01, passed 3-24-2009)

§ 99.101 VISIBILITY AND OBSTRUCTION.

All mailboxes must be erected:

(A) Away from the intersection of any street in order to prevent obstruction of free and clear vision; and

(B) Away from any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic-control device.

(Ord. 2009-01, passed 3-24-2009) Penalty, see § 10.99

§ 99.102 CURBSIDE MAILBOX REQUIREMENTS.

All newly constructed or replaced curbside mailboxes shall comply with the following installation requirements.

(A) The bottom of the mailbox shall be 42 inches from the top of curb. On streets without curbs, the bottom of the mailbox shall be 48 inches from the street surface, as defined by USPS installation requirements.

(B) Lateral placement of the mailbox shall be six inches to eight inches from the face of the curb, as defined by USPS installation requirements.

- (C) The mailbox support post shall be of a breakaway support design.
 - (D) The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.
 - (E) Property owners shall be responsible for the maintenance of the curbside mailbox.
- (Ord. 2009-01, passed 3-24-2009)

§ 99.103 CUSTOM-BUILT MAILBOX REQUIREMENTS.

All newly constructed or replaced custom-built mailboxes shall comply with the following installation requirements.

- (A) The structure supporting the mailbox shall be at least eight inches from the back of curb. No part of the custom-built mailbox, except for the mailbox, shall be closer than eight inches to the back of the curb. The mailbox shall be installed within the structure at a height of 48 inches from the street surface and the lateral placement shall not exceed eight inches from the back of the curb.
- (B) The mailbox structure shall not exceed the dimensions of three feet in width, three feet in depth, five feet in height. It shall not be permanently attached to the footing or the concrete pad it is placed upon.
- (C) The property owner shall be responsible for the maintenance of the custom-built mailbox. If the mailbox is damaged beyond use by the city, a standard curbside mailbox and breakaway post, as defined in § 99.100, will be provided by the city or the property owner can be reimbursed by the city up to a maximum replacement amount set by Council. If the property owner performs the replacement, reimbursement will not exceed the established cost for a standard curbside mailbox and breakaway post.

(Ord. 2009-01, passed 3-24-2009)

§ 99.104 CLUSTER-STYLE MAILBOX REQUIREMENTS.

All newly constructed or replaced cluster-style mailboxes shall comply with the following installation requirements.

- (A) Cluster-style mailboxes serving housing developments situated on any public street or roadway shall be located between the sidewalk and curb, outside of a three-foot clear zone.
- (B) Cluster-style mailboxes shall not be installed anywhere within a cul-de-sac or a circular offset cul-de-sac bulb.
- (C) Cluster-style boxes shall be located on property lines on the “No Parking” side of the street.
- (D) Cluster-style mailboxes shall have a four feet concrete access from the public street and the public sidewalk. The location of the cluster-style mailbox is to be approved by the City Engineer and the USPS.
- (E) The cost of installation, including, but not limited to, box units and concrete pad, shall be borne by the developer, and subsequent maintenance shall be carried out by the USPS.

(F) No driveway or street access shall be constructed within five feet of a cluster-style mailbox.

(Ord. 2009-01, passed 3-24-2009)

§ 99.105 RESPONSIBILITIES OF PROPERTY OWNER.

Any type of mailbox located in the city right-of-way is subject to damage or destruction at any time, as a result of traffic or the city snow removal or maintenance of its utilities located in the right-of-way. City maintenance may include snow removal, pavement repairs or street cleaning. The city shall not assume any liability for damaged mailboxes of any type constructed within the right-of-way. If a curbside or cluster-style mailbox located in the city right-of-way is damaged during these activities, the city or the utility that damaged the mailbox shall replace the mailbox with a mailbox of the same design, if it has been approved for installation by the USPS with the proper markings inscribed "U.S. Mail" and "Approved by the Postmaster General" and if it is still available for purchase and complies with the standards for newly constructed mailboxes outlined in this subchapter. The city shall only purchase supplies to repair the curbside mailbox up to the reimbursable limit as set by the City Council. Other mailboxes damaged will be replaced with a standard breakaway post and standard curbside mailbox. The property owner may choose to be reimbursed in full or have the city reinstall a new mailbox meeting stated requirements. If the property owner chooses to purchase an approved mailbox and be reimbursed, the city will install the mailbox at the property owner's request. Any reimbursement shall not exceed the maximum set by the City Council. The maximum amount shall be set in the *City of Urbandale Snow and Ice Control Operations Manual* and shall apply to damage from all activities and not limited to snow and ice control.

(Ord. 2009-01, passed 3-24-2009)

APPENDIX A: MAILBOXES

General note:

Any type of mailbox located in the city right-of-way is subject to damage or destruction at any time, as a result of traffic or the city snow removal or maintenance of its utilities located in the right-of-way. City maintenance may include snow removal, pavement repairs or street cleaning. The city shall not assume any liability for damaged mailboxes of any type constructed within the right-of-way.

General note:

Any type of mailbox located in the city right-of-way is subject to damage or destruction at any time, as a result of traffic or the city snow removal or maintenance of its utilities located in the right-of-way. City maintenance may include snow removal, pavement repairs or street cleaning. The city shall not assume any liability for damage to mailboxes of any type constructed within the right-of-way.

(Ord. 2009-01, passed 3-24-2009)