

**TITLE 6, TRANSPORTATION  
CHAPTER 50, STREETS AND ALLEYS  
ARTICLE 1, STREET REGULATIONS**

**50.0101 REMOVAL OF WARNING DEVICES.** It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof .  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0101] [Code of Iowa, §716.1]

**50.0102 OBSTRUCTING OR DEFACING STREETS.** It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0102] [Code of Iowa, §716.1]

**50.0103 PLACING DEBRIS ON STREETS.** It shall be unlawful for any person to throw or deposit on any street any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0103] [Code of Iowa, §321.369]

**50.0104 PLAYING IN STREETS.** It shall be unlawful for any person to coast, sled or play games on streets or highways, except in the areas blocked off by the city for such purposes.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0104] [Code of Iowa, §364.12(2)]

**50.0105 TRAVELING ON BARRICADED STREET PROHIBITED.** It shall be unlawful for any person to travel or operate any vehicle on any street or public way 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0105]

**50.0106 USE OF PARKING.**  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106]

**50.0106.1 No person shall** stop, stand or park a vehicle or trailer or any other goods or wares of any kind on the city-owned right-of-way or on the right-of-way that the city has jurisdiction over concurrently with the State of Iowa, including the right-of-way ("parking") between any existing city street and the private property line, except under one of the following conditions:  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1)]

**50.0106.1(A)** If any section of right-of-way (parking) has been previously paved, the abutting property owner may park vehicles thereon only after receiving a permit from the city, which permit shall be issued if the provisions of §50.0106.1(C) have been complied with. The term "paving" includes any kind of hard surfacing but is not limited to portland cement, concrete, and bituminous concrete with the necessary base. Paving does not include surfacing with oil, gravel, oil and gravel or chloride.  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1A)]

**50.0106.1(B)** A property owner desiring to park vehicles on abutting right-of-way (parking) which has been previously paved, must do the following:  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1B)]

**50.0106.1(B)(1)** Apply to the city clerk for an annual permit describing the location and reason for the request.  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1B1)]

**50.0106.1(B)(2)** Submit a non-refundable annual fee application.  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1B2)]

**50.0106.1(C)** A permit may be issued if the city determines that vehicles parked on such property will not obscure the vision of drivers attempting to observe the travelled portion of the street and that the traffic flow upon such street will not be interrupted with such frequency to cause safety hazards, and will not damage or destroy any public sidewalk or public utility.  
[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(1C)]

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**50.0106.2**            **Any damage occurring** in consequence of the use or maintenance of any of the paved right-of-way referred to in this article, or by reason of any defect therein, shall be paid by the person using, or maintaining it.

[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(2)]

**50.0106.3**            **Penalty for violating this section** shall be as provided for by §1.0109, Code of Ordinances.

[Ord. No. 1625 Eff. Date 01-24-90] [1987 Code of Ordinances §8-1.0106(3)]

**50.0107**            **USE OF STREETS FOR BUSINESS PURPOSES.** It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the city administrator.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0107]

**50.0108**            **USE OF STREETS FOR PARADES AND RECREATIONAL PURPOSES.** It shall be unlawful to close, occupy or use in any way streets, alleys or parking for parades or recreational uses such as block or neighborhood parties without first obtaining permission from the city administrator and paying a fee established by Council resolution.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0108]

**50.0109**            **WASHING VEHICLE ON STREETS PROHIBITED.** It shall be unlawful for any person to use any public sidewalk or street 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 their own vehicle or equipment when it is lawfully parked in the street.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0109]

**50.0110**            **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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0110]

**50.0111**            **EXCAVATION AND CONSTRUCTION IN PUBLIC RIGHT-OF-WAY.** In order to promote public safety and convenience, and to assure that excavation and construction by municipal and franchise utilities, contractors and property owners within city-owned right-of-way or public grounds is done in a uniform and professional manner, the following provisions shall apply:

[Ord. No. 1782 Eff. Date 04-22-94] [1987 Code of Ordinances §8-1.0111]

**50.0111.1**            **Definitions.**

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.1(A)**            Excavation and construction includes but is not limited to the installation, repair and replacement of driveways and sidewalks, the installation, repair and replacement of all public utilities, and all activities directly or indirectly related thereto.

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.1(B)**            Minor repairs personally performed by property owners to sidewalks located on city-owned right-of-way and public grounds abutting their property, includes crack repair or removal and replacement of sidewalks to the same line and grade.

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.1(C)**            Minor repairs personally performed by property owners to driveways located on city-owned right-of-way and public grounds abutting their property, includes resurfacing, crack repair or removal and replacement to the same line and grade, but excludes any work required to the street curb cut.

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.2**            **Permit Required.**

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.2(A)**            Application. All excavation and construction within city-owned right-of-way or public grounds shall require a permit issued by the city engineer upon application by the property owner, licensed contractor municipal or franchise utility, city departments or other licensee as defined below, actually performing the work. Such application shall indicate the location of the construction, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has verified the location of underground utilities with all owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be

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deemed notice to the public works department of the plan to cut the street surfacing or pavements to obstruct the public way or perform other work in the public right-of-way. Such permits shall not be valid until six (6) hours after receipt unless the city engineer waives this requirement.

[Ord. No. 1782 Eff. Date 04-22-94]

**50.0111.2(B)** Emergencies. In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the police, the public works department, city engineer, and the utilities whose underground utilities might be, involved in any way, and those involved in the work shall make written application at the earliest practicable moment

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.2(C)** Fees. All applicants, except property owners performing minor repairs to sidewalks or driveways defined above, city departments, municipal utilities and franchise utilities exempted by franchise; shall pay a permit fee as the city council may from time to time establish by resolution. A single excavation shall be deemed to constitute all the excavation or construction necessary for a single connection, single driveway and adjoining sidewalk or a cut for installing a main, service, pole or structure not exceeding one hundred (100) feet in length within public property.

[Ord. No. 1782 Eff. Date 04-22-94]

**50.0111.2(D)** New Subdivisions. A contractor's license as specified below shall be required but permit fees will not be applicable for installation or construction of public improvements within new subdivisions. A separate inspection fee is established in the Subdivision Ordinance.

[Ord. No. 1782 Eff. Date 04-22-94]

**50.0111.3 License Required.**

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(A)** Parties Required to be Licensed. A license shall not be required of utilities regulated by the state or managed by the council or water board, contractors operating under a public improvement contract with the city, and property owners personally performing minor repairs to sidewalks or driveways as defined above. A license shall be required of a contractor performing work for a franchise utility. A license granted by the city engineer pursuant to the following provisions shall be required of all other contractors, persons or legal entities performing excavation or construction in city owned right-of-way, hereinafter called "licensees". A licensed plumber in good standing shall be deemed to be a licensee under this chapter upon submittal of a Certificate of Insurance as hereinafter specified.

[Ord. No. 1782 Eff. Date 04-22-94]

**50.0111.3(B)** License requirements.

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(1)** Class "A" Licenses. A class "A" License shall be required of all licensees except those that qualify under the criteria established below for a Class "B" License. A Class "A" License shall be issued by the city engineer upon the filing of (1) a bond with the city with sureties acceptable to the city in the sum of five thousand dollars (\$5,000) conditioned upon the full observance of city ordinances applicable to the work of construction in public streets, (2) proof satisfactory to the city that said licensee will indemnify, defend and hold the city harmless from any and all claims for losses and damages sustained by any claimant as a consequence of any alleged or proven act of omission or commission on the part of such licensee, or said licensee's subcontractors, agents, employees or assigns while engaged in excavation or construction in city owned right-of way as defined above, (3) proof satisfactory to the city that the licensee will reimburse the city for all costs, including but not limited to attorney fees, incurred by the city in enforcing the terms of the bond, and (4) a Certificate of Insurance showing insurance in accordance with the following requirements, or such other requirements as may from time to time be established by the city council by resolution:

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(1)(a)** Public liability insurance covering all operations, for the duration of the license, performed by licensee's agents, persons directly employed by the licensee, subcontractors or their employees, or independent contractors, in the following amounts: one million (\$1,000,000 ) each occurrence, one million (\$1,000,000) aggregate.

[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(1)(b)** Automobile liability insurance on all self-propelled vehicles in the following amounts: one million (\$1,000,000) each occurrence, one million (\$1,000,000) aggregate.

[Ord. No. 1672 Eff. Date 03-29-91]

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**50.0111.3(B)(1)(c)** Workers compensation and employer's liability, if required by the Code of Iowa, at such policy limits as are required by the Code of Iowa.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(1)(d)** In lieu of the limits established by §§50.0111.3(B)(1)(a) & (b) immediately above, the licensee may show proof of comprehensive excess liability coverage in conjunction with lower limits for public liability and automobile liability insurance, which taken together provide insurance coverage to a limit of one million (\$1,000,000) each for public liability and automobile liability.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(1)(e)** Coverage shall be provided for Explosion ("X"), Collapse ("C"), and Underground ("U") hazards.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(2)** Class "B" Licenses. A class "B" license may be issued to a licensee that certifies under oath that said licensee is exclusively a flat-work concrete contractor that does not excavate deeper than twelve (12) inches below ground level. A class "B" license shall be issued by the city engineer upon the filing of (1) a bond with the city with sureties acceptable to the city in the sum of five thousand (\$5,000) conditioned upon the full observance of city ordinances applicable to the work of construction in public streets, (2) proof satisfactory to the city that said licensee will indemnify, defend and hold the city harmless from any and all claims for losses and damages sustained by any claimant as a consequence of any alleged or proven act of omission or commission on the part of such licensee, or said licensee's subcontractors, agents, employees or assigns while engaged in excavation or construction in city owned right of way as defined above, (3) proof satisfactory to the city that the license will reimburse the city for all costs, including but not limited to attorney fees, incurred by the city in enforcing the terms of the bond, and (4) a Certificate of Insurance showing insurance in accordance with the following requirements, or such other requirements as may from time to time be established by the city council by resolution:  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(2)(a)** Public liability insurance covering all operations, for the duration of the license, performed by licensee's agents, persons directly employed by the licensee, subcontractors or their employees, or independent contractors, in the following amounts: five hundred thousand (\$500,000) each occurrence, five hundred thousand (\$500,000) aggregate.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(2)(b)** Automobile liability insurance on all self-propelled vehicles in the following amounts: five hundred thousand (\$500,000) each occurrence, five hundred thousand (\$500,000) aggregate.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(2)(c)** Workers compensation and employer's liability, if required by the Code of Iowa, at such policy limits as are required by the Code of Iowa.

**50.0111.3(B)(2)(d)** In lieu of the limits established by §§50.0111.3(B)(2)(a) & (b) immediately above, the licensee may show proof of comprehensive excess liability coverage in conjunction with lower limits for public liability and automobile liability insurance, which taken together provide insurance coverage to a limit of five hundred thousand (\$500,000) each for public liability and automobile liability.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(3)** License suspension and reinstatement. The license of any licensee shall be suspended by the city upon receipt by the city of a notification of a cancellation of the licensee's bond or liability insurance, and may be reinstated only upon filing a new bond or certificate. Utility companies and city departments shall be presumed to have adequate public liability coverage.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.3(B)(4)** Fees. A licensee shall pay a license fee of ten dollars (\$10.00), or such other fee as the city council may from time to time establish by resolution.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.4 Safety Measures.** Any person, firm, or corporation cutting a pavement or surfacing or performing work in the right-of-way shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the contractor may be required to provide flagpersons, if in the judgment of the city the public safety requires it. Compliance with city ordinances and regulations shall not be deemed to waive the requirements that the contractor shall employ with all

the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the city.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.5 Backfilling and Restoration.** Any person excavating in the streets shall be responsible for the backfilling of the excavation and the restoration of the pavement or surfacing in accordance with city standard specifications. If any excavator fails to backfill or restore the pavement or surfacing properly within a timely period, typically forty-eight (48) hours of the completion of the underground work, weather permitting. The city reserves the right to backfill and resurface or install new paving and charge the cost thereof to the licensed contractor, public utility or property owner responsible for the excavation or construction. If any backfilling or pavement or surfacing restoration is not in accordance with the city standard specifications, the public works department is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly and charge the cost thereof to the contractor, public utility or property owner responsible for the excavation or construction .  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.6 Rules and Regulations.** The council, in addition to establishing charges for backfilling of excavations and restoration of pavements or surfacing, shall by resolution establish standard specifications and details for the manner of making cuts and related matters involving construction in the right-of-way.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0111.7 Penalties.** Any person who shall fail to comply with the requirements of this chapter by excavating without a permit or license as required herein, except in an emergency until it is possible to obtain a permit, shall, upon conviction thereof, be subject to a fine not exceeding one hundred dollars (\$100), or to imprisonment not exceeding thirty (30) days.  
[Ord. No. 1672 Eff. Date 03-29-91]

**50.0112 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 outside the curb lines or roadway edge 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0112] [Code of Iowa, §364.1 2(c)]

**50.0113 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.-113] [Code of Iowa, §364.12(2e)]

**50.0114 REPEALED BY ORD. 2037 EFF DATE 10-28-02, Transferred 13.0202.14**

**50.0115 DRIVEWAY CULVERTS.** The city will provide up to twenty (20) feet of culvert pipe for each lot or dwelling where necessary. The property owner shall, at the property owner's expense, install said culvert and any additional length deemed necessary under any driveway or any other access to the 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 property 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 auditor and specially assessed against the property as by law provided.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0115]

**50.0116REMOVAL OF STRUCTURES IN THE RIGHT-OF-WAY.** City right-of-way consists of all city owned real estate between private property lines. The purpose of city right-of-way includes but is not limited to accommodating streets, alleys, road signs, sidewalks and above and below ground public utilities. City regulation of the use of city owned right-of-way by abutting private property owners is necessary (a) to assure that such right-

of-way remains free of unnecessary impediments to the placement, maintenance and repair of streets, alleys, road signs, sidewalks and above and below ground public utilities, and (b) to minimize tort liability that may arise from injuries to persons or property occurring on, or as a consequence of structures located within, city owned right-of-way. Abutting private property owners are entitled to the use of city-owned right-of-way only to obtain necessary and otherwise lawful pedestrian and vehicular ingress and egress to private property. The following provisions shall apply to the removal of driveways, sidewalks, structures and other man-made objects in city-owned right-of-way:

[Ord. No. 1671 Eff. Date 03-25-91]

**50.0116.1 Driveways.** A driveway in use on the effective date of this chapter for the purpose of providing vehicular ingress and egress across city owned right-of-way to a garage or all weather surface parking area located on abutting private property, which ceases after the effective date of this chapter to be used for said purpose, shall be removed from the curb cut to the property line. The area disturbed shall be restored and reseeded and the driveway curb cut shall be removed and replaced in accordance with city standard specifications. Such removal to the property line shall not be required if all of the following conditions are met: (a) the property owner desires to use said driveway for vehicle parking or vehicle storage only; (b) the portion of said driveway located upon private property is sufficient in size to accommodate at least one parked full-sized four wheeled vehicle; (c) said driveway, taken together with all other existing or planned paved surfaces on the same private property, would not violate the nuisance provisions of the Newton City Code which prohibit paving more than thirty percent (30%) of the front yard, or for corner lots the front and side yard, of residential lots; and (d) the parking or storage of vehicles on said driveway is otherwise lawful and does not violate the nuisance provisions of the Newton City Code including but not limited to those relating to the parking and storage of vehicles on private property.

[Ord. No. 1671 Eff. Date 03-25-91]

**50.0116.2 Sidewalks.** A sidewalk in use on the effective date of this chapter for the purpose of providing pedestrian ingress and egress across city owned right-of-way to a residence, business or related structure located on abutting private property, which ceases after the effective date of this chapter to be used for said purpose, and which does not meet the city standard specifications for location, shall be removed from the curb to the property line. The area disturbed shall be restored and reseeded.

[Ord. No. 1671 Eff. Date 03-25-91]

**50.0116.3 Other Structures.** Any structure or other man-made object (excluding driveways and sidewalks) located on city owned right-of-way in use on the effective date of this chapter for any purpose, which ceases after the effective date of this chapter to be used for the purpose it served on the effective date of this chapter, shall be removed from the curb, or from its starting point on city owned right-of-way, to the property line. The area disturbed shall be restored and reseeded. Any structure or other manmade object (excluding driveways and sidewalks) located on city-owned right-of-way which has not ceased to serve its original purpose, but which must be removed in order to accomplish necessary public improvements or public utilities installations in such right-of-way, shall be removed at the expense of the city or the public utility, and shall not be restored, rebuilt, or replaced on city-owned right-of-way. The area disturbed shall be restored and reseeded at the expense of the city or public utility.

[Ord. No. 1671 Eff. Date 03-25-91]

**50.0116.4 Responsibility for Removal.** Except as otherwise specified herein, the cost and responsibility for removal of structures and objects from city-owned right-of-way, and for the performance of all work required to comply with this chapter, shall be born by the owner of the property abutting city-owned right-of-way.

[Ord. No. 1671 Eff. Date 03-25-91]

**50.0116.5 Penalties.** Should the required removal not be performed in a timely manner, the city shall perform the removal and assess the cost thereof to the abutting property owner by certifying the cost of the removal to the County Treasurer as a tax against the property.

[Ord. No. 1671 Eff. Date 03-25-91]

**TITLE 6, TRANSPORTATION  
CHAPTER 50, STREETS AND ALLEYS  
ARTICLE 2, CONTROLLED ACCESS FACILITIES**

**50.0201 EXERCISE OF POLICE POWER.** This article shall be deemed an exercise of the police power of the city under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0201] [Code of Iowa, §306A.1]

**50.0202 DEFINITION.** The term "controlled access facility" shall mean 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 such controlled-access facility or for any other reason.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0202] [Code of Iowa, §306A.2]

**50.0203 RIGHT OF ACCESS LIMITED.** No person shall have any right of ingress or egress to, from or across any controlled-access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by ordinance.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0203] [Code of Iowa, §306A.4]

**50.0204 ACCESS CONTROLS IMPOSED.** There are hereby fixed and established controlled-access facilities within the City of Newton, described as follows:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0204] [Code of Iowa, §306A.3]

**50.0204.1 Project No. FN-11 24.** On the Primary Road System extension improvement, Project No. FN-1124, Primary Road No. 14, within the City of Newton, described as follows: Primary Road No. 14 Sta. 625+65 to Sta. 654+73, regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-1124, on file in the office of the clerk.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0204(1)]

**50.0204.2 Project No. I-IG-80-5(11)167** Primary Road No. I-80. On the Primary Road System extension improvement, Project No. I-IG-80-5(11)167, Primary Road No. I-80, within the City of Newton, described as follows: Primary Road No. I-80 Sta. 2531+05 to Sta 2710+94.6 on Int. 80; Sta. 590+50 to Sta. 625+65 on Iowa No. 14. All ramps, connections and approaches, regulating access to and from Sta. 2531+05 to Sta. 2710+94.6 on Int. 80; Sta. 590+50 to Sta. 625+65 on Iowa No. 14 abutting properties along the highways, all in accordance with the plans for such improvement identified as Project No. I-IG-80-5(11)167, on file in the office of the clerk.

**50.0204.3 Project No. U-UG-1124(3), F-1124(1), U-64(19),** Primary Road No. Ia. 14 and U. S. 6 within the city.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.]

**50.0204.4 On Iowa 14** from Sta. 654+73 to Sta. 673+11.63 and from Sta. 683+00 to Sta. 699+68 (NCL).

**50.0204.5 On U. S. 6** on the south side from Sta. 1668+32.6 (WCL) to Sta. 1674+40 and on both sides from Sta. 1674+40 to Sta. 1682+45.0 regulating access to and from Sta. 654+73 to Sta. 673+11.63, Sta. 683+00 to Sta. 699+68, Sta. 1668+32.6 to Sta. 1674+40 (south side) Sta. 1674+40 to Sta. 1682+45.0 abutting properties along the highways all in accordance with the plans for such improvement on, file in the office of the city.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0204]

**50.0204.6 From East 12th Street east to East 31st Street (Southeast Beltline Road).**

**50.0205 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.** It shall be unlawful for any person to:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0205] [Code of Iowa, §306A.3]

**50.0205.1 Cross Dividing Line.** Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled-access facilities.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0205(1)]

**50.0205.2 Turns.** Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

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[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0205(2)]

**50.0205.3 Use of Lanes.** Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0205(3)]

**50.0205.4 Enter Facility.** Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0205(4)]

**50.0206 SPEED LIMITS.** The maximum speed limit on said project (s) are hereby established as follows:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0206]

**50.0206.1 Interstate No. 80.** Seventy miles per hour and forty miles per hour minimum from Sta. 2531+05.0 to Sta. 2710+94.6.  
[Ord. No. 2077 Eff. Date 07-25-05] [1987 Code of Ordinances §8-1.0206(1)]

**50.0206.2 Iowa No. 14.** Fifty-five miles per hour from Sta. 590+50.0 to Sta. 688+00, thirty-five miles per hour from Sta. 688+00 to Sta. 673+11.63 and fifty-five miles per hour from Sta. 683+00 to Sta. 699+68 (NCL).  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0206(2)]

**50.0206.3 U. S. No. 6.** Thirty-five (35) miles per hour from Sta. 1668+32.6 (WCL) to Sta. 1682+45.0.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0206(3)]

**50.0207 PARKING RESTRICTED.** The parking of vehicles on or along controlled access facilities is restricted as follows:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0207]

**50.0207.1 Parking of any nature is prohibited** on Iowa 14 from Sta. 654+73 to Sta. 673+11.63 and from Sta. 683+00 to Sta. 699+68(NCL) and on U. S. # 6, on the south side from Sta. 1668+32.6 (WCL) to Sta. 1674+00 and on both sides from Sta. 1674+00 to Sta. 1682+45.0  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0207(1)]

**50.0207.2 Parking is also prohibited** on both sides of connecting side streets for a distance of thirty-five feet back of the stop sign.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0207(2)]

**50.0207.3 Parking of any nature** on Iowa 14 is prohibited from Sta. 625+65 to Sta. 654+73.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0207(3)]

**50.0207.4 Parking is prohibited** from Sta. 2531+05 to Sta. 2710+94 on Interstate No. 80; from Sta. 590+50.0 to Sta. 625+65.0 on Iowa No. 14 and thirty-five (35) feet back of ROW line of all intersecting road approaches and on all ramps, connections and approaches.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0207(4)]

**TITLE 6, TRANSPORTATION  
CHAPTER 50, STREETS AND ALLEYS  
ARTICLE 3, BUILDING NUMBERING**

**50.0301**                    **DEFINITIONS.** For use in this article, the following terms shall be defined:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0301]

**50.0301.1**                **Principal Building:** shall mean the main building on any lot or subdivision thereof.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0301(1)]

**50.0301.2**                **Owner:** shall mean the owner of the principal building.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0301(2)]

**50.0302**                    **OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0302]

**50.0302.1**                **Obtain Building Number.** The owner shall obtain the assigned number to the owner's principal building from the city.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0302(1)] [Code of Iowa, §364.1 2(3d)]

**50.0302.2**                **Display Building Number.** The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0302(2)] [Code of Iowa, §364.1 2(3d)]

**50.0302.3**                **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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0302(3)] [Code of Iowa, §364.12(3h)]

**50.0303**                    **BUILDING NUMBERING MAP.** The city administrator shall be responsible for preparing and maintaining a building numbering map.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0303]

**TITLE 6, TRANSPORTATION  
CHAPTER 50, STREETS AND ALLEYS  
ARTICLE 4, NAMING OF STREETS**

**50.0401 NAMING NEW STREETS.** New streets shall be assigned names in accordance with the following:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0401]

**50.0401.1 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0401(1)]

**50.0401.2 Ordinance.** All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0401(2)]

**50.0401.3 Planning Commission.** Proposed street names shall be referred to the planning commission for review and recommendation.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0401(3)]

**50.0402 CHANGING NAME OF STREET.** The council may, by ordinance, change the name of a street.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0402] [Code of Iowa, §409.17]

**50.0403 RECORDING STREET NAMES.** Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0403] [Code of Iowa, §409.17]

**50.0404 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 article. 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 §50.0404 of the Code of Ordinances of Newton, Iowa".  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0404]

**50.0405 REVISION OF STREET NAME MAP.** If in accordance with the provisions of this article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the council with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following changes were made in the Official Street Name Map: (brief description) ", which entry shall be signed by the mayor and attested by the clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0405]

**TITLE 6, TRANSPORTATION  
CHAPTER 50, STREETS AND ALLEYS  
ARTICLE 5, VACATION AND DISPOSAL**

**50.0501 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, they may do so by ordinance in accordance with the provisions of this article.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0501] [Code of Iowa, §364.12(2a)] [Code of Iowa, 1985, Sec. 306.10]

**50.0502 PLAN 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 of the date the proposed vacation was referred to.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0502] [Code of Iowa, §392.1]

**50.0503 NOTICE OF VACATION HEARING.** The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0503] [Code of Iowa, §306.11-306.13] [Code of Iowa, 1985, Sec. 264.7(1)]

**50.0504 FINDINGS REQUIRED.** No street or alley, or portion thereof, shall be vacated unless the council finds that:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0504]

**50.0504.1 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0504(1)]

**50.0504.2 Abutting Property.** The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0504(2)] [Code of Iowa, §364.15]

**50.0505 DISPOSAL OF STREETS OR ALLEYS.** When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they may do so by ordinance following notice and hearing.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0505] [Code of Iowa, §364.7]

**50.0506 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0506] [Code of Iowa, §364.7(3)]

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>ORD. NO.</u>	<u>ADOPTED</u>
1023	05-26-69
1042	05-04-70
1061	12-21-70
1065	03-01-71
1068	04-26-71
1072	05-24-71
1109	08-21-72
1110	09-25-72
1111	09-25-72
1146	10-01-73
1167	06-03-74
1200	01-20-75
1223	12-01-75
1248	07-26-76
1252	08-23-76

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1266	12-20-76
1288	07-05-77
1294	09-06-77
1295	09-06-77
1300	10-17-77
1304	12-05-77
1331	10-02-78
1332	11-20-78
1352	07-16-79
1353	07-16-79
1367	05-05-80
1372	06-20-80
1374	07-07-80
1382	10-20-80
1400	09-08-81
1426	09-20-82
1448	06-06-83
1452	08-15-83
1470	05-07-84
1471	05-07-84
1476	07-25-84
1488	11-19-84
1497	10-21-85
1501	01-06-86
1528	05-18-87
1542	09-21-87
1543	09-21-87
1561	03-07-88
1598	04-03-89
1607	08-07-89
1616	10-02-89
1617	10-02-89
1634	05-07-90
1637	05-07-90
1645	08-06-90
1646	08-06-90
1647	08-06-90
1653	09-17-90
1665	02-04-91
1666	02-04-91
1679	05-06-91
1696	10-21-91
1707	04-06-92
1712	05-04-92
1724	07-20-92
1725	08-03-92
1728	09-08-92

**TITLE 6, TRANSPORTATION  
CHAPTERS 50, STREETS AND ALLEYS  
ARTICLE 6, STREET AND SIDEWALK GRADES**

**50.0601 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. [Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0601]

**50.0602 RECORD MAINTAINED.** The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request. [Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-1.0602]

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

<u>ORD. NO.</u>	<u>ADOPTED</u>
1022	05-05-69
1026	06-02-69
1029	09-15-69
1040	04-27-70
1046	07-21-70
1073	06-07-71
1104	05-22-72
1185	09-03-74
1216	08-25-75
1236	04-19-76
1280	05-02-77
1313	04-03-78
1324	07-17-78
1329	09-07-78
1340	03-05-79
1342	04-02-79
1343	05-07-79
1344	05-07-79
1345	05-07-79
1348	05-07-79
1349	06-04-79
1350	06-04-79
1355	08-20-79
1356	08-20-79
1364	03-17-80
1366	05-05-80
1373	06-06-80
1383	10-20-80
1388	01-19-81
1389	04-06-81
1529	05-18-87
2066	08-11-04

**TITLE 6, TRANSPORTATION  
CHAPTER 51, SIDEWALKS**

**51.0101**                    **PURPOSE.** The purpose of this chapter is to enhance safe passage by citizen 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.01]

**51.0102**                    **DEFINITIONS.** For use in this chapter the following terms are defined:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02]

**51.0102.1**                **Broom Finish:** shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(1)]

**51.0102.2**                **Defective Sidewalk:** shall mean any public sidewalk in violation of the criteria established by resolution of the council.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(2)]

**51.0102.3**                **Established Grade:** shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(3)]

**51.0102.4**                **One-course Construction:** shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(4)]

**51.0102.5**                **Owner:** Owner means the person owning the fee title and the contract purchaser for purposes of notification required herein. For or all other purposes, "owner" shall include the lessee, if any.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(5)]

**51.0102.6**                **Portland Cement:** shall mean any type of cement except bituminous cement.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(6)]

**51.0102.7**                **Sidewalk:** shall mean all permanent public walks in business, residential or suburban areas.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(7)]

**51.0102.8**                **Sidewalk Improvements:** shall mean 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(8)]

**51.0102.9**                **Wood Float Finish:** shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.02(9)]

**51.0103**                    **Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, See 13.0202.13**

**51.0104**                    **RESPONSIBILITY FOR MAINTENANCE.** It shall be 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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.04] [Code of Iowa, §364.12 (2C)]

**51.0105**                    **FAILURE TO MAINTAIN - PERSONAL INJURIES.** If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it

claims the injury was caused. The notice 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 alleged facts from which the cause arose, that the city believes that 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 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 maintain 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.05] [Code of Iowa, §36414]

**51.0106 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.06] [Code of Iowa, §364.12(2d & e)]

**51.0107 SIDEWALK CONSTRUCTION ORDERED.** The council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street. Unless the owners of a majority of the linear feet of the property fronting on the improvement, petition the council therefore, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the council, by resolution, order the making thereof, all in accordance with state law for special assessments.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.07] [Code of Iowa, §384.38]

**51.0108 PERMIT REQUIRED.** No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the city and has agreed in writing that said removal, reconstruction or installation complies with all ordinances and requirements of the city for such work.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.08]

**51.0109 INDEMNIFICATION.** Any person securing a permit as required above shall 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 permit holder's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.09]

**51.0110 SIDEWALK STANDARDS AND EXCEPTIONS.** Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and standards and meet the City of Newton Standard Specifications and Details for work in the public right-of-way unless an application and agreement is submitted by the property owner indicating the property owner's desire to use non-standard improvements in the city right-of-way. The substance of the agreement shall be approved by the city council and shall be filed with the county recorder.

[Ord. No. 1788 Eff. Date 06-28-94] [1987 Code of Ordinances §8-2.10]

**51.0110(A) Non-standard Improvements Reviewed by the City Administrator.** The city administrator shall review and approve, approve with modifications or deny an application to use non-standard improvements.

[Ord. No. 1788 Eff. Date 06-28-94]

**51.0110(B) Council Appeal.** The applicant requesting the use of non-standard improvements may appeal the decision of the city administrator to the council who shall affirm or modify the decision of the city administrator.

[Ord. No. 1788 Eff. Date 06-28-94]

**51.0110.1 Concrete.** Portland cement concrete shall be the only material used in the construction and repair of sidewalks.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(1)]

**51.0110.2 Construction.** Sidewalks shall be of one-course construction.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(2)]

**51.0110.3 Sidewalk Base.** Concrete may be placed directly on compact and well-drained soil. Where soil is not well-drained, a three (3) inch subbase of compact, clean, coarse gravel. The adequacy of the soil drainage is to be determined by the city.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(3)]

**51.0110.4 Sidewalk Bed.** The sidewalk bed shall be graded to the established grade .

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(4)]



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**51.0110.5**                    **Length, Width and Depth.** Length, width and depth requirements are as follows:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(5)]

**51.0110.5(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.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(5A)]

**51.0110.5(B)**                Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six ( 6) feet in length.

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[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(5B)]

**51.0110.5(C)** Driveway areas in all areas shall be not less than six ( 6) inches in thickness.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(5C)]

**51.0110.6** **Location.** Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one (1) foot from the property line, unless the council shall establish a different distance due to circumstances.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-21.10(6)]

**51.0110.7** **Grade.** Sidewalks shall be built to such grade as is established by the city engineer.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(7)]

**51.0110.8** **Elevations.** The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one half (1/2) inch above the curb for each foot between the curb and the sidewalk or as modified by the city engineer.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(8)]

**51.0110.9** **Slope.** All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb unless modified by the city engineer.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(9)]

**51.0110.10** **Finish.** All sidewalks shall be finished with a "broom" or "wood float" finish .

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(10)]

**51.0110.11** **Ramps for Handicapped.** There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each handicapped ramp shall be constructed in accordance with the City of Newton Standard Specifications and Details for work in the public right-of-way.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.10(11)]

**51.0111** **BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind shall be 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, 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.11]

**51.0112** **FAILURE TO REPAIR OR BARRICADE.** It shall be the duty of the owner of the property abutting the sidewalk, or their 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.12]

**51.0113** **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 shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.13]

**51.0114** **AWNINGS.** It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.14]

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**51.0115 ENCROACHING STEPS.** It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.15]

**51.0116 OPENINGS AND ENCLOSURES.** It shall be unlawful for a person to:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.16]

**51.0116.1 Stairs and Railings.** Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.16(1)]

**51.0116.2 Openings.** Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.16(2)]

**51.0116.3 Protect Openings.** Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.16(3)]

**51.0117 FIRES ON SIDEWALKS.** It shall be unlawful for a person to make a fire of any kind on any sidewalk.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.17]

**51.0118 FUEL ON SIDEWALK.** It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.18]

**51.0119 DEFACING.** It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.19] [Code of Iowa, §716.1]

**51.0120 DEBRIS ON SIDEWALKS.** It shall be 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  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.20] [Code of Iowa, §364.12(2)]

**51.0121 MERCHANDISE DISPLAY.** It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall there be maintained less than five (5) feet of the sidewalk free of obstruction and available for the use of pedestrians.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.21]

**51.0122 SALES STANDS.** It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the city administrator.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-2.22]

**TITLE 6, TRANSPORTATION  
CHAPTER 52, RAILROADS**

**52.0101**                    **DEFINITIONS.** For use in this chapter, the following terms are defined:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.01]

**52.0101.1**                **Railroad Train:** shall mean any steam, electric, or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include inter-urbans and street cars.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.01(1)] [Code of Iowa, §321.1(29)]

**52.0101.2**                **Operator:** shall mean any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.01(2)]

**52.0102**                    **WARNING SIGNALS.** Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed. Operators shall also sound a whistle at least one hundred (100) feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the city limits.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.02] [Code of Iowa, §327G 13]

**52.0103**                    **OBSTRUCTING STREETS.** A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except:  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03] [Code of Iowa, §327G.32]

**52.0103.1**                **Comply with Signals.** When necessary to comply with signals affecting the safety of the movement of trains.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(1)]

**52.0103.2**                **Avoid Striking.** When necessary to avoid striking any object or person on the track.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(2)]

**52.0103.3**                **Disabled.** When the train is disabled.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(3)]

**52.0103.4**                **Safety Regulations.** When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(4)]

**52.0103.5**                **In Motion.** When the train is in motion except while engaged in switching operations.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(5)]

**52.0103.6**                **No Traffic.** When there is no vehicular traffic waiting to use the crossing.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(6)]

Any officer or employee of a railroad corporation violating any provision of this section shall be guilty of a misdemeanor. An employee shall not be guilty of such violation if employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.03(7)]

**52.0104**                    **CROSSING MAINTENANCE.** Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.  
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §8-3.04] [Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 (1943) Code of Iowa, §364.11]

**TITLE 6, TRANSPORTATION  
CHAPTER 53, AIRPORT  
ARTICLE 1, AIRPORT HEIGHT RESTRICTIONS**

**53.0101** This Chapter is adopted pursuant to the authority conferred by Chapter 329.3 of the Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Newton Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Newton Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Newton Municipal Airport and the public investment therein. Accordingly, it is declared:  
[Ord. No. 1970 Eff. Date 05-09-00]

(1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Newton Municipal Airport;  
[Ord. No. 1970 Eff. Date 05-09-00]

(2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and  
[Ord. No. 1970 Eff. Date 05-09-00]

(3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.  
[Ord. No. 1970 Eff. Date 05-09-00]

(4) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.  
[Ord. No. 1970 Eff. Date 05-09-00]

(5) This Chapter shall be known and may be cited as the Airport Height Regulations and Use of Property in Vicinity Ordinance.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0102** **Definitions.** As used in this Chapter, unless the context otherwise requires:  
[Ord. No. 1970 Eff. Date 05-09-00]

(1) Airport. Newton Municipal Airport.  
[Ord. No. 1970 Eff. Date 05-09-00]

(2) Airport elevation. The highest point of an airport's usable landing area measured in feet from seal level.  
[Ord. No. 1970 Eff. Date 05-09-00]

(3) Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in §53.0103 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.  
[Ord. No. 1970 Eff. Date 05-09-00]

(4) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in §53.0103 of this Chapter.  
[Ord. No. 1970 Eff. Date 05-09-00]

(5) Board of Adjustment. A Board consisting of 5 members appointed by the Newton City Council as provided in Chapter 329.12 of the Code.  
[Ord. No. 1970 Eff. Date 05-09-00]

(6) Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.  
[Ord. No. 1970 Eff. Date 05-09-00]

(7) Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(8)** Height. For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(9)** Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(10) Nonconforming Use.** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(11) Nonprecision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(12) Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §53.0103 of this Chapter.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(13) Person.** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(14) Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Rader (PAR). It also means a precision approach system is planned and is so indicated by an FAA approved airport layout plan or any other FAA planning document.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(15) Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §53.0103 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(16) Runway.** A defined area on an airport prepared for landing and take-off of aircraft along its length.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(17) Structure.** An object, including a mobile object constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(18) Transitional Surfaces.** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(19) Tree.** Any object of natural growth.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(20) Utility Runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(21) Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedures.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0103 Airport Surfaces and Height Limitations.** In order to carry out the provisions of this Chapter there are hereby created and established certain surfaces which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Newton Municipal Airport. Such zones are shown on the Newton Municipal Airport Zoning Map which is attached to this Chapter and made a part hereof. An area located in more than one (1) of the following surfaces is considered to be in only the zone with the more restrictive height limitation. Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any surface created by this Chapter to

a height in excess of the applicable height limit herein established for such surface. The various surfaces and such height limitations are hereby established and defined as follows:

[Ord. No. 1970 Eff. Date 05-09-00]

**(1)** Horizontal Surface. The horizontal surface is a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of the end of the primary surface on each end of runway 14/32 and connecting the adjacent arcs by lines tangent to those arcs.

[Ord. No. 1970 Eff. Date 05-09-00]

(2) Conical Surface. The conical surface extends outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.  
[Ord. No. 1970 Eff. Date 05-09-00]

(3) Primary Surface. The primary surface is a surface longitudinally centered on a runway and extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet for runway 5/23 and the width is 1,000 feet on runway 14/32.  
[Ord. No. 1970 Eff. Date 05-09-00]

(4) Approach Surface. The approach surface is a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and expands uniformly to a width of 1,250 feet for runway ends 5 and 23; 4,000 feet for runway end 14; and 16,000 feet for runway end 32. The approach surface extends for a horizontal distance of 5,000 at a slope of 20 to 1 for runway ends 5 and 23; 10,000 feet at a slope of 34 to 1 for runway end 14; and 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for runway end 32.  
[Ord. No. 1970 Eff. Date 05-09-00]

(5) Transitional Surface. The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portion of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0104 Use Restrictions.** Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0105 Nonconforming Uses**

(1) Regulations Not Retroactive. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.  
[Ord. No. 1970 Eff. Date 05-09-00]

(2) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Newton City Planner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Newton, Iowa.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0106 Permits**

(1) Future Uses. Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with §53.0106(4).  
[Ord. No. 1970 Eff. Date 05-09-00]

(A) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.  
[Ord. No. 1970 Eff. Date 05-09-00]

**(B)** In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.  
[Ord. No. 1970 Eff. Date 05-09-00]

(C) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in §53.0106(4).

[Ord. No. 1970 Eff. Date 05-09-00]

(2) Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

[Ord. No. 1970 Eff. Date 05-09-00]

(3) Nonconforming Uses Abandoned or Destroyed. Whenever the Newton City Planner determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

[Ord. No. 1970 Eff. Date 05-09-00]

(4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Newton City Planner for advice as to the aeronautical effects of the variance. If the Newton City Planner does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

[Ord. No. 1970 Eff. Date 05-09-00]

(5) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Newton, Iowa at its own expense, to install, operate, and maintain the necessary markings and lights.

[Ord. No. 1970 Eff. Date 05-09-00]

**53.0107 Enforcement.** It shall be the duty of the Newton City Planner to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Newton City Planner upon a form published for that purpose. Applications required by this Chapter to be submitted to the Newton City Planner shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Newton City Planner.

[Ord. No. 1970 Eff. Date 05-09-00]

**53.0108 Board of Adjustment**

(1) It is hereby ordered that the Newton Zoning Board of Adjustment shall have and exercise the following powers: (A) to hear and decide appeals from any order, requirement, decision, or determination made by the Newton City Planner in the enforcement of this Chapter; (B) to hear and decide special exceptions to the terms of this Chapter upon which such Board of Adjustment under such regulations may be required to pass; and (C) to hear and decide specific variances.

[Ord. No. 1970 Eff. Date 05-09-00]

(2) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Chapter.

[Ord. No. 1970 Eff. Date 05-09-00]

**(3)** The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Newton City Planner or decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect variation to this Chapter.

[Ord. No. 1970 Eff. Date 05-09-00]

**53.0109 Appeals**

(1) Any person aggrieved, or any taxpayer affected, by any decision of the Newton City Planner made in the administration of the Chapter, may appeal to the Board of Adjustment.  
[Ord. No. 1970 Eff. Date 05-09-00]

(2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Newton City Planner a notice of appeal specifying the ground thereof. The Newton City Planner shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.  
[Ord. No. 1970 Eff. Date 05-09-00]

(3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Newton City Planner certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Newton City Planner cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Newton City Planner and on due cause shown.  
[Ord. No. 1970 Eff. Date 05-09-00]

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.  
[Ord. No. 1970 Eff. Date 05-09-00]

(5) The Board of Adjustment may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0110 Judicial Review.** Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Section 414.5 of the Iowa Code.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0111 Penalties.** Each violation of this Chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than \$250.00 dollars or imprisonment for not more than 10 days or both; and each day a violation continues to exist shall constitute a separate offense.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0112 Conflicting Regulations.** Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.  
[Ord. No. 1970 Eff. Date 05-09-00]

**53.0113 Severability.** If any of the provision of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.  
[Ord. No. 1970 Eff. Date 05-09-00]

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**TITLE 6, TRANSPORTATION  
CHAPTER 54, ABANDONED AND JUNKED VEHICLES  
ARTICLE 1, ABANDONED VEHICLES**

**Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, See 13.0206**

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**TITLE 6, TRANSPORTATION  
CHAPTER 54, ABANDONED AND JUNKED VEHICLES  
ARTICLE 2, JUNKED VEHICLES AND MACHINERY**

**Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, see 13.0206**

**CHAPTER 55-59, RESERVED FOR FUTURE USE**