

TRAFFIC AND VEHICLES

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers
60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Independence Traffic Code."

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. "Business District" means the following described area:
Commencing at the intersection of Second Street NW and Second Avenue NW, thence easterly extending to the intersection of Second Street NE and Sixth Avenue NE, thence southerly to the intersection of Sixth Avenue SE and Second Street SE thence westerly to the intersection of Second Street SW and Second Avenue SW, thence northerly to the intersection of Second Avenue NW and Second Street NW
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

(Code of Iowa, Sec. 372.13 [4])

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273)

60.06 PEACE OFFICER’S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver’s license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.07 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Police Chief or City Manager. The permit must be requested at least 45 days in advance of the parade date. Such permit shall state the time and

date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance
61.06 DOT Signs

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Chief is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.03 TRAFFIC LANES. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.04 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the Code of Iowa.

(Code of Iowa, Sec. 321.256)

61.06 DOT SIGNS. During State primary road construction or reconstruction, the Iowa Department of Transportation shall erect and maintain signs, as necessary, to direct traffic to and along the detour route over City streets for the duration of the construction period. The signs erected shall be consistent with Part IV of the *Manual on Uniform Traffic Control Devices*. Further, it shall be the responsibility of the Iowa Department of Transportation to remove the detour signs when the construction is completed and/or the detour is discontinued.

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle

62.05 Quiet Zones
62.06 Obstructing View at Intersections
62.07 Prohibited Traffic Lanes
62.08 Excessive Braking

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses again title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor’s licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver’s license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Radar jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.

53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal of train.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.

87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver's view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.

121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.450 – Hazardous materials transportation.
149. Section 321.454 – Width of vehicles.
150. Section 321.455 – Projecting loads on passenger vehicles.
151. Section 321.456 – Height of vehicles; permits.
152. Section 321.457 – Maximum length.
153. Section 321.458 – Loading beyond front.
154. Section 321.460 – Spilling loads on highways.
155. Section 321.461 – Trailers and towed vehicles.

156. Section 321.462 – Drawbars and safety chains.
157. Section 321.463 – Maximum gross weight.
158. Section 321.465 – Weighing vehicles and removal of excess.
159. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.07 PROHIBITED TRAFFIC LANES. It is unlawful for the operator of any vehicle to travel onto or upon any area which consists solely of yellow cross-hatched lines. For the purpose of this section, cross-hatched lines are defined as yellow painted lines which are at a 45° angle to the traffic lane markers. The following areas are designated as prohibited traffic lanes:

1. On First Street between Ninth Avenue East and Tenth Avenue West.
2. On Third Avenue Southeast from Third Street East north to First Street East.

62.08 EXCESSIVE BRAKING. It is unlawful for any person in the operation of a motor vehicle to use engine compression braking devices, or engine retarders, commonly referred to as “jake brakes,” when slowing or stopping vehicles within the City limits.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

63.06 Controlled Access Facilities

63.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

63.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the Code of Iowa and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

63.04 SPECIAL SPEED ZONES. In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 10 MPH Speed Zones. A speed in excess of ten (10) miles per hour is unlawful in any alley in the City.
2. Special 20 MPH School Zones. A speed in the excess of twenty (20) miles per hours is unlawful when school zone lights are flashing on First Street 200 feet West of the school property and 200 feet East of Ninth Avenue.
3. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On First Street from Station 450+00 to Ninth Avenue SE.
 - B. On Twelfth Street NE from First Avenue NE to Fifth Avenue NE.

- C. On Third Avenue SE (Hwy. 150 South) from approximately 100 feet south of Third Street SE to First Street East.
 - D. On First Street East from Third Avenue to Fifth Avenue.
 - E. On Fifth Avenue NE (Hwy. 150 North) from First Street East to approximately 200 feet north .
 - F. On Enterprise Court.
 - G. On Swan Lake Boulevard.
 - H. On Seventeenth Street SE from Third Avenue SE to the easterly City limits.
4. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. On First Street from Station 390+00 to Station 450+00.
 - B. On Fifth Avenue NE (Hwy. 150 North) from approximately 200 feet north of First Street East to approximately 100 feet south of Twelfth Street NE.
 - C. On Third Avenue SE (Hwy. 150 South) from approximately 150 feet south of Eighth Street SE to approximately 100 feet south of Third Street SE.
 - D. On Sixth Avenue S.W. from Bland Boulevard to Enterprise Drive.
 - E. On Enterprise Drive from Sixth Avenue S.W. to Jamestown Avenue.
(*Ord. 2016-475 – Sep. 16 Supp.*)

63.05 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(*Code of Iowa, Sec. 321.294*)

63.06 CONTROLLED ACCESS FACILITIES. Speed limits on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Right Turn on Red Signal Prohibited
64.04 Traveling in Turning Lane Prohibited

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection; provided, however, U-turns are prohibited within the Business District, at intersections where there are automatic traffic devices, and at the following designated intersections:

(Code of Iowa, Sec. 321.236[9])

1. First Street West, at Fourth Avenue NW, Sixth Avenue NW, Seventh Avenue NW, Eighth Avenue NW, Ninth Avenue NW, Tenth Avenue NW, Fourth Avenue SW, Fifth Avenue SW, Sixth Avenue SW, Eighth Avenue SW and Ninth Avenue SW.
2. First Street East and Seventh Avenue SE, Ninth Avenue SE, Eighth Avenue NE and Eleventh Avenue NE.

64.03 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not proceed or make a right turn at the following locations when appropriate signs are in place.

(Code of Iowa, Sec. 321.257 [2])

1. At the intersection of First Street East and Ninth Avenue SE.
2. At the intersection of First Street West and Ninth Avenue.
3. At the intersection of Fifth Avenue NE and Third Street NE.

64.04 TRAVELING IN TURNING LANE PROHIBITED. It is unlawful for the operator of a motor vehicle to travel in a center lane marked solely for turning other than for the purposes of making the appropriate turn from said lane. In no event shall the operator of a motor vehicle travel in excess of 100 feet in said lane without the appropriate turn unless said travel is reasonably necessary to avoid vehicles parked for the purposes of loading and unloading of passengers or goods and merchandise.

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets – Stop
65.02 Stop Required
65.03 Four-Way Stop Intersections
65.04 Yield Required
65.05 School Stops

65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

65.01 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. First Street East from Fourth Avenue to east City limits.
2. First Street West from Second Avenue to west City limits.
3. Third Avenue SE from Third Street SE to south City limits.
4. Fifth Avenue NE from Second Street NE to north City limits.
5. Eighth Avenue NW from First Street West to Eighth Street NW.
6. Tenth Avenue NW from First Street West to north City limits.
7. Third Street NW from Thirteenth Avenue NW to Sixteenth Avenue NW.
8. Sixth Avenue SW from First Street West to Bland Boulevard SW.
9. Bland Boulevard SW to west City limits.
10. Ninth Street SW from Seventh Avenue SW to west City limits.
11. Second Avenue SW from First Street West to Seventh Street SW.
12. Second Avenue NE from Second Street NE to Eleventh Street NE.
13. Twelfth Street NE from Third Avenue NE to Fourth Avenue NE.
14. Tenth Street NE from Third Avenue NE to Fourth Avenue NE.
15. Eighth Street NE from Sixth Avenue NE to Seventh Avenue NE and Park Avenue NE.
16. Eighth Avenue NE from First Street East to Fourteenth Street NE.
17. Third Street NE from Ninth Avenue NE to Seventeenth Avenue NE.
18. Fifth Avenue SE from First Street East to Sixth Street SE.
19. Third Avenue NE from Second Street NE to Ninth Street NE.
20. Sixth Avenue SE from Second Street SE to Fourth Street SE.
21. Seventh Avenue NE from Second Street NE to Seventh Street NE.

65.02 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Eighth Street NE. Vehicles traveling on Eighth Street NE shall stop at First Avenue NE.
2. Third Street SE. Vehicles traveling on Third Street SE shall stop at Ninth Avenue SE.
3. Third Street NE. Vehicles traveling on Third Street NE shall stop at Fourteenth Avenue NE.
4. Third Avenue SW. Vehicles traveling on Third Avenue SW shall stop at Seventh Street SW.
5. Seventh Street SW. Vehicles traveling on Seventh Street SW shall stop at Fourth Avenue SW.
6. Union Avenue NE. Vehicles traveling on Union Avenue NE shall stop at Fourteenth Street NE.
7. Fifth Street SE. Vehicles traveling on Fifth Street SE shall stop at Seventh Avenue SE.
8. Third Avenue NE. Vehicles traveling north on Third Avenue NE shall stop at Tenth Street NE.
9. Fourth Avenue NE. Vehicles traveling north on Fourth Avenue NE shall stop at Tenth Street NE.
10. Second Street NE. Vehicles traveling on Second Street NE shall stop at Second, Third, Fourth, Fifth and Sixth Avenues NE.
11. Second Street SE. Vehicles traveling on Second Street SE shall stop at Fourth Avenue SE.
12. Second Avenue NE. Vehicles traveling north on Second Avenue NE shall stop at Twelfth Street NE.
13. Sixth Avenue NE. Vehicles traveling on Sixth Avenue NE shall stop at Twelfth and Thirteenth Streets NE.
14. Fifth Street NE. Vehicles traveling on Fifth Street NE shall stop at Fourth Avenue NE.
15. Third Street NW. Vehicles traveling on Third Street NW shall stop at Sixth Avenue NW.
16. Fourth Street NW. Vehicles traveling on Fourth Street NW shall stop at Seventh Avenue NW.
17. Fourth Street NE. Vehicles traveling on Fourth Street NE shall stop at Fourth Avenue NE.
18. Sixth Street NE. Vehicles traveling on Sixth Street NE shall stop at Fourth Avenue NE.
19. Third Street NE. Vehicles traveling on Third Street NE shall stop at Sixth Avenue NE.

20. Fourth Avenue SE. Vehicles traveling on Fourth Avenue SE shall stop at Fifth Street SE and Sixth Street SE.
21. Fourth Street SE. Vehicles traveling on Fourth Street SE shall stop at Ninth Avenue SE.
22. Third Street NW . Vehicles traveling west on Third Street NW shall stop at Seventeenth Avenue NW.
23. Third Avenue SW. Vehicles traveling on Third Avenue SW shall stop at 3rd Street SW.
24. Fourth Avenue SW. Vehicles traveling on Fourth Avenue SW shall stop at 3rd Street SW.
25. Fifth Avenue SW. Vehicles traveling on Fifth Avenue SW shall stop at 3rd Street SW.
26. Seventh Avenue SW. Vehicles traveling on Seventh Avenue SW shall yield at 3rd Street SW.
27. Eighth Avenue SW. Vehicles traveling on Eighth Avenue SW shall stop at 3rd Street SW.
28. Ninth Avenue SW. Vehicles traveling on Ninth Avenue SW shall stop at 3rd Street SW.
29. Bland Boulevard SW. Vehicles traveling east on Bland Boulevard SW shall stop at Sixth Avenue SW.
30. Nelson Avenue NE. Vehicles traveling on Nelson Avenue NE shall stop at Sixth Street NE.
31. First Avenue NE. Vehicles traveling on First Avenue NE shall stop at Seventh Street NE.
32. Sixth Street NE. Vehicles traveling on Sixth Street NE shall stop at First Avenue NE.
33. Seventh Street NE. Vehicles traveling on Seventh Street NE shall stop at Nelson Avenue NE.
34. Seventh Street NE. Vehicles traveling on Seventh Street NE shall stop at Sixth Avenue NE.
35. Second Street SE. Vehicles traveling on Second Street SE shall stop at Seventh Avenue SE.
36. Seventeenth Avenue NE. Vehicles traveling on Seventeenth Avenue NE shall stop at First Street East.
37. Seventeenth Avenue NE. Vehicles traveling on Seventeenth Avenue NE shall stop at Third Street NE.
38. Seventh Street NE. Vehicles traveling on Seventh Street NE shall stop at Fourth Avenue NE.
39. Fourth Street NE. Vehicles traveling on Fourth Street NE shall stop at Eleventh Avenue NE.

40. Eighth Street NE. Vehicles traveling on Eighth Street NE shall stop at Fourth Avenue NE.
41. Ninth Street NE. Vehicles traveling on Ninth Street NE shall stop at Fourth Avenue NE.
42. Seventh Avenue SE. Vehicles traveling on Seventh Avenue SE shall stop at Fifth Street SE.
43. Ninth Avenue SW. Vehicles traveling on Ninth Avenue SW shall stop at Ninth Street SW.
44. David Drive. Vehicles traveling west on David Drive shall stop at both intersections with Ninth Avenue SW.
45. Fifteenth Avenue NE. Vehicles traveling north on Fifteenth Avenue NE shall stop at Third Street NE.
46. Sixteenth Avenue NE. Vehicles traveling south on Sixteenth Avenue NE shall stop at Third Street NE.
47. Twelfth Street NE. Vehicles traveling on Twelfth Street NE shall stop at Eighth Avenue NE.
48. Seventh Street NE. Vehicles traveling on Seventh Street NE shall stop at Thirteenth Avenue NE.
49. Ninth Avenue NW. Vehicles traveling north on Ninth Avenue NW shall stop at Third Street NW.
50. Sixth Avenue SW. Vehicles traveling north on Sixth Avenue SW shall stop at Bland Boulevard.
51. Spruce Drive. Vehicles traveling east on Spruce Drive shall stop at Sixth Avenue SW (Jackson Avenue).
52. Pine Drive. Vehicles traveling east on Pine Drive shall stop at Sixth Avenue SW (Jackson Avenue).
53. Enterprise Drive. Vehicles traveling west on Enterprise Drive shall stop at Sixth Avenue SW (Jackson Avenue).
54. Enterprise Court. Vehicles traveling north on Enterprise Court shall stop at Enterprise Drive, at both the east and west intersections.
55. Fourteenth Avenue N.E. Vehicles traveling east on Fourteenth Avenue N .E. shall stop at Sixteenth Avenue N.E.

(Ord. 2016-474 – Sep. 16 Supp.)

65.03 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of Eighth Avenue SW and Second Street SW.
2. Intersection of Sixth Avenue SW and Third Street SW.
(Ord. 2014-453 – May 14 Supp.)
3. Intersection of Fourth Avenue NE and Third Street NE.
4. Intersection of Fifth Avenue SE and Third Street SE.

5. Intersection of Fifth Avenue SE and Fifth Street SE.
6. Intersection of Ninth Avenue SW and Second Street SW.
7. Intersection of Second Street SW and Second Avenue SW.
8. Intersection of Second Avenue NE and Second Street NE.
9. Intersection of Third Avenue NE and Second Street NE.
10. Intersection of Fourth Avenue NE and Second Street NE.
11. Intersection of Sixth Avenue NE and Second Street NE.
12. Intersection of Sixth Avenue NE and Third Street NE.
13. Intersection of Fourteenth Avenue NE and Third Street NE.

(Ord. 2011-414 – Apr. 11 Supp.)

65.04 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Fifth Avenue SW. Vehicles traveling on Fifth Avenue SW shall yield at Second Street SW.
2. Fourth Avenue SW. Vehicles traveling on Fourth Avenue SW shall yield at Second Street SW.
3. Third Avenue SW. Vehicles traveling on Third Avenue SW shall yield at Second Street SW.
4. Third Street SE. Vehicles traveling on Third Street SE shall yield at Fourth Avenue SE.
5. Seventh Avenue SE. Vehicles traveling on Seventh Avenue SE shall yield at Third Street SE.
6. Eighth Avenue SE. Vehicles traveling on Eighth Avenue SE shall yield at Third Street SE.
7. Ninth Avenue SE. Vehicles traveling on Ninth Avenue SE shall yield at Fourth Street SE.
8. Fourth Street SE. Vehicles traveling on Fourth Street SE shall yield at Fourth Avenue SE.

(Ord. 2016-474 – Sep. 16 Supp.)

65.05 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Sixth Avenue SW at Second Street SW.
2. Eighth Avenue SW at Second Street SW.
3. Fourth Avenue NE at Third Street NE.

4. Fifth Avenue SE at Third Street SE.
5. (Repealed by Ordinance No. 2011-415 – Aug. 11 Supp.)
6. Fifth Avenue SE at Fifth Street SE.
7. Third Avenue NE at Third Street NE.
8. Sixth Avenue NE at Fifth Street NE.
9. Fifth Street NE at Sixth Avenue NE.
10. (Repealed by Ord. 2012-422 – May 12 Supp.)
11. Fourth Avenue NE at Fourth Street NE.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.07 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.08 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. First Street East and Second Avenue NE.
2. First Street East and Third Avenue NE-SE.
3. First Street East and Fifth Avenue NE-SE.
4. First Street East and Ninth Avenue NW-SW.
5. Enterprise Drive and Highway 150.
6. Third Avenue SE and Second Street SE.
7. First Street West and Second Avenue SW.
8. Fifth Avenue NE and Third Street NE. *(Ord. 2016-470 – Jun. 16 Supp.)*

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. Four-ton limit on Second Street NE, from Ninth Avenue NE to Eleventh Avenue NE.
2. Six-ton limit on the following streets:
 - A. Fourth Avenue NE from First Street East to Tenth Street NE.
 - B. Seventh Street NE from Fourth Avenue NE to Fifth Avenue NE.
 - C. Eighth Avenue NE from First Street East to Fourteenth Street NE.
 - D. Twelfth Avenue NE from First Street East to Third Street NE.
 - E. Fifth Avenue SE from First Street East to Fifth Street SE.
 - F. Sixth Street SE from Fourth Avenue SE to Fifth Avenue SE.
 - G. Sixth Avenue SE from First Street SE to Fifth Street SE.
 - H. Second Avenue SW from First Street West to Seventh Street SW.
 - I. Eighth Avenue SW from First Street West to Ninth Street SW.
 - J. Fifth Street SW from Sixth Avenue SW to Eighth Avenue SW.
 - K. Seventh Street NW from Sixth Avenue NW to Seventh Avenue NW.
 - L. Eighth Avenue NW from First Street West to Eighth Street NW.

M. Seventeenth Street S.E. from the west curb of Waste Water Treatment Plant Road, then west for a distance of 1,250 feet.

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing two tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

A. Highway 150 from the north corporate limits to the south corporate limits.

B. First Street from the east corporate limits to the west corporate limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing two tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route. For the purpose of this subsection, "scheduled or definite stop" includes areas outside the City limits that are contiguous and adjacent to the City limits, and have direct access to a City street.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street

67.02 Hitchhiking

67.03 Pedestrian Crossing

67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, Sec. 321.236 [4])

1. Alley between First Street and Second Street SE shall be southbound from First Street, then westbound to Third Avenue SE.
2. Alley between First Street and Second Street NE shall be eastbound from Second Avenue NE to Third Avenue NE.
3. Fifth Avenue SE shall be northbound from Sixth Street SE to Fifth Street SE.
4. Fifth Street NE shall be westbound from First Avenue NE to Nelson Avenue NE.
5. First Avenue NE shall be southbound from Sixth Street NE to Fifth Street NE.
6. Nelson Avenue NE shall be northbound from Fifth Street NE to Sixth Street NE.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.13 One-Hour Parking Zones
69.02 Park Adjacent to Curb – One-way Street	69.14 Fifteen-Minute Parking Zones
69.03 Angle Parking	69.15 Parking Limited to Fifteen Minutes for Loading
69.04 Angle Parking – Manner	69.16 North City Parking Lot
69.05 Parking for Certain Purposes Illegal	69.17 South City Parking Lot
69.06 Parking Prohibited	69.18 East City Parking Lot
69.07 Persons With Disabilities Parking	69.19 City Hall Block Parking Lot
69.08 No Parking Zones	69.20 Snow Emergency
69.09 All Night Parking Prohibited	69.21 Snow Routes
69.10 Truck Parking Limited	69.22 Recreation Vehicles
69.11 Truck Parking Lot	69.23 Controlled Access Facilities
69.12 Two-Hour Parking Zones	69.24 Library Parking Lot

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. First Avenue NE, on the west side, from Sixth Street NE to Fifth Street NE.
2. Fifth Street NE, on the north side, from First Avenue NE to Nelson Avenue NE.
3. Nelson Avenue NE, on the east side, from Fifth Street NE to Sixth Street NE.
4. Second Street NE, on the north side, from Fifth Avenue NE to Sixth Avenue NE.

69.04 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than seventy-two (72) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236 [1])

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236 [1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358 [9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(Code of Iowa, Sec. 321.358 [10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358 [13])

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street or parking lot area in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose. Emergency service vehicles and personnel are exempted while on duty and in service. A peace officer is hereby authorized to cite, remove, or cause to be removed any vehicle in violation of this section.

(Ord. 2015-465 – Jun. 15 Supp.)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

(Code of Iowa, Sec. 321.236[1])

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. **Improper Use.** The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
 - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;
 - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
3. **Wheelchair Parking Cones.** No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.
 - B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.236 [1])

- 1. First Street East, on both sides, from Fourth Avenue East to the east City limits.
- 2. First Street West, on both sides, from the east end of the First Street Bridge to the west City limits.
- 3. Second Street SW and Second Street SE, on both sides, from Second Avenue SW to Third Avenue SE.
- 4. Second Street SW, on the north side, from Second Avenue SW to Sixth Avenue SW.
- 5. Second Street NE, on the south side, 101 feet west from 2nd Avenue NE from 7 o'clock a.m. to 5 o'clock p.m., Monday through Friday.
(Ord. 2015-469 – Jun. 16 Supp.)
- 6. Second Avenue NE, on the west side, from a point 138 feet south of the intersection of the centerline of Third Street NE and the west line of Second Avenue NE, thence south 24 feet.
- 7. Third Street NE, on the north side, from Second Avenue NE to Third Avenue NE.
- 8. Third Street NE, on the south side, from Ninth Avenue NE to Eighteenth Avenue NE.

9. Third Street SW, on the south side, from Second Avenue SW to Third Avenue SW.
10. Third Avenue SE, on both sides, from First Street East to the south City limits.
11. The north half of Third Avenue NE, on the west side, from Ninth Street NE to Tenth Street NE.
12. Third Avenue NE, on the east side, from Second Street NE to Tenth Street NE.
13. Third Avenue NE, on the west side, from Second Street NE to Third Street NE.
14. Fifth Street SE, on the north side, from Fourth Avenue SE to Fifth Avenue SE.
15. Fifth Avenue NE, on the east side, from Third Street NE to the north City limits.
16. Fifth Avenue NE, on the west side, from First Street East to the north City limits.
17. Fifth Avenue SE, on the east side, from First Street East to Second Street SE.
18. Third Avenue SE, on both sides, from First Street East to Eighth Street SE.
19. Ninth Avenue SE, on the west side, from First Street East to Third Street SE.
20. Tenth Street NE, on both sides, from Third Avenue NE to Fourth Avenue NE.
21. Twelfth Street NE, on both sides, from First Avenue NE to Union Avenue.
22. Fifteenth Avenue NE, on the west side, from First Street East to Third Street NE.
23. Sixteenth Avenue NW, on the east side, from First Street West to Third Street NW.
24. Fourth Avenue NE, on the east side of the south half, from First Street East to Second Street NE.
25. Sixth Avenue NE, on the east side, from Second Street NE to Third Street NE.
26. Eighth Avenue NE, on the east side of the south half, from First Street East to Second Street NE.
27. Eighth Avenue NW, on both sides, from First Street West to Eighth Street NW.
28. First Street East, on both sides, from Fourth Avenue NE to the east City limits.
29. First Street West, on both sides, from the east end of the Wapsipinicon River bridge to the west City limits.
30. Third Avenue NE, on the east side, from Fifth Street NE to Tenth Street NE.
31. Seventeenth Avenue NE, on both sides, from First Street East and Third Street NE.

32. Second Street SW, on both sides, beginning at the centerline of Seventeenth Avenue SW, east the distance of 120 feet on Second Street SW.
33. Fourteenth Street NE, on both sides, from First Avenue west to the North City limits.
34. Second Avenue NE, on the east side from the north curb of First Street east for a distance of 85 feet north.
35. In and around the area commonly known as the boat dock, which is located generally at the corner of Center Avenue NE and Sixth Street NE.
36. Tenth Avenue NW, on the east side, from Third Street NW to the end of the City limits.
37. Second Street SE, on both sides, from Third Avenue SE to Fifth Avenue SE.
38. Fifth Avenue SE, on the west side, from Second Street SE to Sixth Street SE.
39. First Avenue NE, on the east side, from Sixth Street NE to Fifth Street NE.
40. Fifth Street NE, on the south side, from First Avenue NE to Nelson Avenue NE.
41. Nelson Avenue NE, on the west side, from Fifth Street NE to Sixth Street NE.
42. Second Street NE, on the south side, from Fifth Avenue NE to Sixth Avenue NE.
43. Fourth Street SW, on the south side, from Sixth Avenue SW to Seventh Avenue SW. *(Ord. 2010-411 – Jan. 11 Supp.)*
44. Sixth Avenue SW, on the west side, from First Street W to Bland Boulevard. *(Ord. 2011-421 – Dec. 11 Supp.)*

69.09 ALL NIGHT PARKING PROHIBITED.

1. All Night Parking Prohibited. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 a.m. and 6:00 a.m. of any day.
 - A. First Street East, on both sides, from Fourth Avenue NE to First Street bridge.
2. Parking Prohibited. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 a.m. and 6:00 a.m. of any day during the months of November 15th through April 1st.
 - A. Second Street SE, on the south side, from Fourth Avenue to Fifth Avenue.
 - B. Second Street NE, on both sides, from Second Avenue NE to Fifth Avenue.
 - C. Fourth Avenue NE, on both sides, from First Street to Second Street.
 - D. Fourth Avenue SE, on both sides, from First Street to Second Street.
 - E. Second Avenue SW, on the east side, from Third Street SW to Fourth Street SW.
 - F. Second Avenue NE, on both sides, from First Street to Third Street.

G. Third Avenue NE, on both sides, from First Street to Second Street.

(Ord. 2012-425 – Jul. 12 Supp.)

69.10 TRUCK PARKING LIMITED. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended a motor truck, semi-trailer, truck tractor or truck tractor with trailer attached on any street within the City. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236[1])

69.11 TRUCK PARKING LOT. It is unlawful to park any vehicle in the City of Independence truck parking lot in violation of the following regulations:

1. Registration. Any person driving a truck which carries a required placard load shall register said vehicle with the City of Independence Police Department. Trucks may be pre-registered if carrying the same load and the driver of the truck shall not be required to re-register unless there is a change in the load being carried by that truck.
2. Licensed Vehicle. No vehicle without a license shall be permitted to park in the City Truck Parking Lot.
3. Annual License. An annual license shall be required for any truck which occupies the Truck Parking Lot for more than 30 consecutive days during any one calendar year.
4. Terminal Prohibited. No vehicle shall be parked in the City Truck Parking Lot in the manner of acting as a terminal for said truck.
5. Subleasing and Motor Homes. There shall be no subleasing of any parking spot in the Truck Parking Lot and motor homes are prohibited from parking in said lot.
6. Electrical Outlets. Only one vehicle per electric outlet shall be allowed. Users of the City Truck Parking Lot may lease a spot in order to have a reserved parking spot and electrical outlet. The rate shall be made available to City residents at the rate of \$100.00 per year or \$10.00 per month. For nonresidents of the City, the rate shall be \$150.00 per year, or \$15.00 per month. Individuals having reserved spots shall be allowed to park in said areas for unlimited time periods.
7. Non-reserved Spots. Persons who have not obtained spots shall be allowed to park in the City Truck Parking Lot for a period not to exceed 72 consecutive hours. A permit may be obtained from the office of the City Clerk extending the length of time of the parking. Said permit shall be issued at discretion of the Clerk.
8. Indemnification Agreement. Truck owners shall be required to sign an agreement with the City indemnifying the City for any and all damages or injuries that may occur as a result of the use of the City Truck Parking Lot.
9. Theft or Accident. The City shall not be responsible for any theft or accident which may be incurred by the owner of the truck as a result of the use of the City Truck Parking Lot.

69.12 TWO-HOUR PARKING ZONES. No person shall stop, stand or park a vehicle for a continuous period of time in excess of two hours in any of the following designated two-hour parking zones:

1. Second Street NE from Second Avenue NE to Third Avenue.
2. Second Avenue North, on the west side, between Second Street and Third Street.

69.13 ONE-HOUR PARKING ZONES. No person shall stop, stand or park a vehicle for a continuous period of time in excess of one hour in any of the following designated one-hour parking zones:

1. Ninth Avenue SE, on the east side, from First Street East to Third Street SE.
2. Second Street NE, on the north side, from Corinne Avenue NE to Second Avenue NE between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday.

69.14 FIFTEEN-MINUTE PARKING ZONES. No person shall stop, stand or park a vehicle for a continuous period of time in excess of fifteen minutes in any of the following designated fifteen-minute parking zones:

1. The west side of Second Avenue NE from the north curb of Second Street NE for a distance of 60 feet north.
2. The east side of Second Avenue NE from the north curb of Second Street NE for a distance of 150 feet north.
3. The north side of Second Street NE from 62 feet east of the east curb of Second Avenue NE for a distance of 38 feet east.
4. The west side of Second Avenue NE from the south curb of Second Street NE for a distance of 45 feet south.
5. The south side of First Street East from 50 feet west of the west curb of Fourth Avenue SE for a distance of 22 feet west.
6. The south side of First Street East from the east curb of Third Avenue SE for a distance of 60 feet east.
7. The south side of First Street East from 54 feet west of the west curb of Third Avenue SE for a distance of 22 feet west.
8. The north side of First Street East from the west curb of Third Avenue NE for a distance of 60 feet west.
9. Third Street NE, on the northerly one hundred (100) feet from the intersection of Third Street NE and Fourth Avenue NE running in a westerly direction, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

69.15 PARKING LIMITED TO FIFTEEN MINUTES FOR LOADING. (Repealed by Ord. 2012-423 – May 12 Supp.)

69.16 NORTH CITY PARKING LOT. It is unlawful to park any vehicle in the North City Parking Lot in violation of the following regulations:

1. Prohibited Parking. No vehicle weighing more than five tons shall be parked in the North City Parking Lot.

2. **Seventy-two Hour Limit.** No vehicle shall be parked in the North City Parking Lot for a continuous period of time for more than seventy-two (72) hours.
3. **Angle Parking.** All vehicles in the North City Parking Lot shall be parked at an angle as indicated by markings or signs.

69.17 SOUTH CITY PARKING LOT. It is unlawful to park any vehicle in the South City Parking Lot in violation of the following regulations:

1. **Two Hour Limit.** No vehicle shall be parked in such lot for a continuous period of time more than two hours between the hours of 6:00 a.m. and 2:00 a.m. of the following day.
2. **Four Hour Limit.** No vehicle shall be parked along the west side and southwest corner of said lot for a continuous period of time more than four hours.
3. **Angle Parking.** All vehicles shall be parked at an angle as indicated by markings or signs.

69.18 EAST CITY PARKING LOT. It is unlawful to park any vehicle in the East City Parking Lot in violation of the following regulation:

1. **Twenty-four-Hour Limit.** No vehicle shall be parked in such lot for a continuous period of more than 24 hours.

69.19 CITY HALL BLOCK PARKING LOT. It is unlawful to park any vehicle in the City Hall block parking lots between the hours of 2:00 a.m. and 6:00 a.m., except as hereinafter provided:

1. Vehicles either owned by or used by City employees or volunteer fire fighters shall be allowed to park during said time only if said persons are in the performance of City business.
2. Vehicles owned by tenants of the apartment building directly adjacent to said lot shall be allowed to park only if the landlord has provided the Police Department with the license number of the vehicle owned by the tenant. It shall be the sole responsibility of the landlord to keep current, in the Police Department, those license plate numbers. Furthermore, only one vehicle per lease shall be allowed to park in said lot.

The City Hall block parking lots are the lots directly adjacent to City Hall, on either side, and also the lot running perpendicular to City Hall.

69.20 SNOW EMERGENCY. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned or leased off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the 48-hour period after cessation of such storm except as above provided upon streets which have been fully opened. Such a ban shall be of uniform application and the Police Chief is directed to publicize the requirements widely, using all available news media, in early November each year. Where predictions or occurrences indicate the need, the Mayor or City Manager shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened when conditions warrant.

69.21 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic. The following streets and avenues are hereby designated as snow routes:

(Code of Iowa, Sec. 321.236[12])

1. Twelfth Street NE from First Avenue NE to a point 495 feet east of intersection of Twelfth Street NE and Eighth Avenue NE.
2. Third Street NE from Second Avenue NE to the present eastern boundary of the City.
3. First Street from Tenth Avenue NE to Ninth Avenue SE.
4. Second Street SW from a point 627 feet west of the intersection of Second Street SW and Eighth Avenue SW to Eighth Avenue SW.
5. Second Street from Second Avenue SW to Third Avenue SE.
6. Third Street SE from Seventh Avenue SE to Ninth Avenue SE.
7. Second Street SW from Sixth Avenue SW to Second Avenue SW.
8. Sixth Street SE from Third Avenue SE to Fifth Avenue SE.
9. Bland Boulevard from westerly City limits to Sixth Avenue SW.
10. Eighth Avenue from a point 318 feet north of the intersection of Eighth Avenue NW and Eighth Street NW to Second Street SW.
11. Sixth Avenue from Seventh Street NW to Bland Boulevard.
12. Second Avenue SW from First Street West to Seventh Street SW.
13. Second Avenue NE from Twelfth Street NE to First Street East.
14. Third Avenue SE from First Street East to a point 264 feet south of the intersection of Third Avenue SE and Seventh Street SE.
15. Fifth Avenue from Twelfth Street NE to Sixth Street SE.
16. Seventh Avenue SE from First Street East to Eighth Street SE.
17. Eighth Avenue NE from northern City limits to First Street East.
18. Ninth Avenue SE from First Street East to Third Street SE.
19. Seventeenth Avenue NE from First Street East to Third Street NE.
20. The entire four (4) blocks of Sixth Avenue SE.
21. Third Street NW from Eighth Avenue NW to Seventeenth Avenue NW.

69.22 RECREATION VEHICLES. It is unlawful to park a boat trailer, car/utility trailer, or unoccupied motor home, travel or camping trailer on any public street, alley or place for a period in excess of twenty-four (24) hours. Should circumstances necessitate a boat trailer, car/utility trailer, or unoccupied motor home, travel or camping trailer to continue to be parked on any public street at the end of the maximum period of twenty-four (24) hours, the unit must be moved no less than three hundred (300) feet from its current location. Under no circumstances shall any motor home, travel or camping trailer be inhabited while on any public street or alley.

(Ord. 2015-461 – Feb. 15 Supp.)

69.23 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

69.24 LIBRARY PARKING LOT. It is unlawful to park any vehicle in the Library Parking Lot in violation of the following regulations:

1. Restricted Parking. Parking in the Library Parking Lot shall be restricted to patrons of the Independence Public Library.
2. Four-Hour Limit. No vehicle shall be parked in the Library Parking Lot for a continuous period of time for more than four (4) hours.

The Library Parking Lot consists of the parking lots directly adjacent to the Independence Public Library on the north, west, and south sides of the building.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the Code of Iowa.

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the Police Department. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for snow route parking violations and ten dollars (\$10.00) for all other violations except improper use of a persons with disabilities parking permit if such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is two hundred dollars (\$200.00). Failure to pay the fine in a timely fashion shall cause the City to contact the Buchanan County Treasurer's office to allow them to refuse to renew motor vehicle registration for the violator.

Any alleged violation of the parking restrictions imposed by this Code of Ordinances may be challenged by way of hearing before the Mayor. The City's burden is proof beyond a reasonable doubt. The officer issuing the ticket must appear at the time of the hearing and be subject to cross-examination. The alleged parking violator has a right to call witnesses on his own behalf. The hearing shall be conducted in an informal basis and the violator shall be afforded all rights of due process. The Mayor shall prepare a written decision. If the violator wishes to challenge the decision of the Mayor, the violator must provide to the City written notice of appeal within ten (10) days for the Mayor's decision. If the violator files said timely notice, by filing with the Clerk of Court within ten (10) days of the decision, the City shall proceed to prosecute this under Iowa Code Sections 805.7 to 805.13, or as any other traffic violation as provided under Iowa Code Section 321.236(1)(b).

(Ord. 2015-468 – Jun. 16 Supp.)

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236 [1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236 [1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, Sec. 321.236 [1])

6. Unlicensed Vehicle. An unlicensed vehicle after effort has been made to contact the owner.

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Ord. 2012-439 – Nov. 12 Supp.)

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than two thousand (2,000) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Ord. 2012-439 – Nov. 12 Supp.)

(Code of Iowa, Sec. 321I.1)

4. “Snowmobile” means a motorized vehicle that weighs less than one thousand (1,000) pounds, that uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code*

of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Unplowed Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season.

(Code of Iowa, Sec. 321G.9[4a])

2. Prohibited Streets. Snowmobiles shall not be operated on any of the following designated streets:

(Code of Iowa, Sec. 321G.9[4a])

- A. First Street.
- B. Highway No. 150.
- C. Second Avenue NE from First Street to Twelfth Street NE.
- D. Second Street NE from Second Avenue to Sixth Avenue NE.
- E. Third Avenue NE from First Street to Fifth Street NE.
- F. Fourth Avenue NE from First Street to Fifth Street NE.
- G. Fourth Avenue SE from First Street to Second Street SE.
- H. Fifth Avenue SE from First Street to Sixth Street SE.
- I. Sixth Street SE from Third Avenue SE to Fifth Avenue SE.

3. Other Streets. Snowmobiles may be operated on any other street within the City for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the City. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

4. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

5. Railroad Right-of-way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

6. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

7. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

8. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

9. Hours of Operation Limited. No snowmobile shall be operated in the City between the hours of 12:00 midnight and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

10. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

11. Dead Man Throttle. No snowmobile shall be operated within the City unless equipped with a “dead man throttle” which, when pressure is removed from the accelerator or throttle, causes the engine to be disengaged from the drive mechanism.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage in the amount set by the Department of Natural Resources, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Bicycle Paths

76.06 Speed

76.07 Emerging from Alley or Driveway

76.08 Carrying Articles

76.09 Riding on Sidewalks

76.10 Towing

76.11 Improper Riding

76.12 Parking

76.13 Equipment Requirements

76.14 Special Penalty

76.15 Bike Safety Route

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. However, these regulations do not apply to any law enforcement official operating a bicycle while on duty and acting in the official line of duty.

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234 [3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236 [10])

76.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code of Iowa, Sec. 321.236 [10])

76.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236 [10])

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians

approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236 [10])

76.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, Sec. 321.236 [10])

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236 [10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236 [10])

3. Yield Right-of-way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236 [10])

76.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236 [10])

76.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236 [10])

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of

Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

76.15 BIKE SAFETY ROUTE. The following route is declared a Bike Safety Route:

First Street E at Ninth Avenue SE; Ninth Avenue at Third Street SE; Third Street at Fourth Avenue SE; Fourth Avenue at Second Street SE; Second Street SE/SW at Second Avenue SW; Second Avenue at Third Street SW; and Third Street SW to Liberty Trail.

This route is further declared a "Shared Route" for bicycles and motor vehicles. The only exception is that portion of the route declared with the use of bike lanes on Second Street SE and Second Avenue SW beginning on the east side at Third Avenue SE and ending at Second Avenue SW. Appropriate signage will be posted to identify the declared route. All laws and practices will be observed by both forms of transportation and courtesies extended accordingly as stated in declaring the Bike Route.

(Ord. 2014-454 – May 14 Supp.)

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CHAPTER 77

SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES

77.01 Use Restricted
77.02 Yielding Right-of-Way
77.03 Traffic Signs and Signals

77.04 Towing
77.05 Special Penalty
77.06 Exceptions

77.01 USE RESTRICTED. No person shall use or ride a skateboard, roller skates or in-line skates (“Roller Blades”) on a sidewalk or parking lot in the following designated areas:

1. Business District. That area legally described as follows:

Block 8, Original Plat; Blocks 1, 2, 3, 4, and 5 of Stoughton and McClure’s Addition; Blocks 1 and 2 of Scarcliff’s Addition; Blocks 1 and 21 of Stoughton and McClure’s Second Addition; and the unplatted Blocks lying between Blocks 3 and 4 Stoughton and McClure’s Addition and the Wapsipinicon River.

This area is more commonly known and described as the approximate eight-block area, including the surface of the streets, avenues, sidewalks, alleys and parking lots, lying within the following described boundaries:

Starting at a point on the northwest corner of the intersection of Third Avenue NW and First Street West, thence easterly to the northeast corner of the intersection of Sixth Avenue NE and First Street East; thence southerly along the east line of the intersection of Sixth Avenue and Second Street SE; thence westerly along a south line of Second Street SE to the southwest corner of the intersection of Second Avenue SW and Second Street SW; thence northerly along the west line of Second Avenue SW to the southwest corner of the intersection of First Street West and Second Avenue SW; thence westerly along the south line of First Street West to the southwest corner of the intersection of First Street West and Third Avenue SW; thence northerly along the west line of Third Avenue NW to the point of beginning.

2. Sidewalks. Use of sidewalks outside the described area shall be the preferred travel way for skateboards, in-line skates and roller skates. Further and specifically, this preference shall include the use of the sidewalk/pedestrian way adjacent to and south of Second Street, including the Second Street Bridge from Second Avenue SW to Sixth Avenue SE. All such use shall remain subject to the requirements for yielding the right-of-way to pedestrians as herein provided.
3. Other Posted Locations. When and where signs are erected or applied on any sidewalk or roadway or adjacent thereto, prohibiting the riding or use of skateboards, roller skates or in-line skates thereon, by any person, no person shall disobey the signs.
4. Tennis Courts. No person shall ride or use a skateboard, roller skates or in-line skates upon any public tennis court located within the City limits.

77.02 YIELDING RIGHT-OF-WAY.

1. Sidewalks. Whenever any person is riding or using a skateboard, roller skates or in-line skates upon a public sidewalk, or so close thereto as to pose a danger of collision with any pedestrian thereon, such person shall yield the right-of-way to the pedestrian.
2. Emerging from an Alley or Driveway. Any person riding or using a skateboard, roller skates or in-line skates, upon emerging from an alley, driveway or building and approaching a sidewalk or the sidewalk area extending across any alleyway, driveway or building, shall yield the right-of-way to all pedestrians approaching on the public sidewalk or the public area adjacent to the sidewalk, and/or upon entering the roadway itself, shall yield the right-of-way to all vehicles approaching from either direction on that roadway.
3. Roadways. Any person riding or using a skateboard, roller skates or in-line skates shall yield the right-of-way and shall not impede the regular and normal flow of vehicular traffic on any of the roadways of the City. Further, any person riding or using a skateboard, roller skates or in-line skates on the roadways of the City shall not cause vehicular traffic to stop or swerve in order to avoid collision with them.

77.03 TRAFFIC SIGNS AND SIGNALS. Any person riding or using a skateboard, roller skates or in-line skates shall observe all traffic signs and signals when traversing the roadways of the City.

77.04 TOWING. It is unlawful for any person using a skateboard, roller skates or in-line skates to be towed by any vehicle, bicycle, or other transportation, motorized or otherwise, upon the streets of the City.

77.05 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine or standard penalty provided for violations for the Code of Ordinances, allow such person's skateboard, roller skates or in-line skates to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for the second offence and thirty (30) days for a third offense. Punishment for fourth and additional offenses shall revert to the scheduled fines and standard penalties provided for violations of this Code of Ordinances.

77.06 EXCEPTIONS. The restrictions on the use of skateboards, roller skates or in-line skates in the Business District, as defined above, shall not apply to the residential dwellings and apartments within the Business District, so long as the person using the skateboard, roller skates or in-line skates is on private property within the Business District.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private

property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The

published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay five dollars (\$5.00) for each day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.02 Warning Signals

81.03 Obstructing Streets

81.04 Crossing Maintenance

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

1. “Operator” means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 WARNING SIGNALS. Operators shall sound a horn at least 1,000 feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

81.03 OBSTRUCTING STREETS. Operators 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:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.04 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

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