

CHAPTER 1182

OBSTRUCTIONS ON HIGHWAYS

S. F. 1333

AN ACT relating to obstructions on public highways, establishing procedures for the removal of obstructions, and providing for the assessment and collection of costs.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred nineteen point two (319.2),
2 Code 1973, is amended to read as follows:

3 **319.2 Fences and electric transmission poles.** Poles used for tele-
4 phone, telegraph, or other transmission purposes, shall not be removed
5 until notice, in writing, of not less than thirty days, has been given to
6 the owner or company operating such lines, *or in the event the owner*
7 *or company has been unable to remove such poles within such thirty-*
8 *day period due to storm or other act of God, then such poles shall not*
9 *be removed until the owner or company shall have had a reasonable*
10 *time thereafter to remove such poles, and in case of fences, notice in*
11 *writing of not less than ~~sixty~~ thirty days has been given to the owner,*
12 *occupant, or agent of the land enclosed by said fence, unless such poles*
13 *or fences constitute an immediate and dangerous hazard to persons or*
14 *property lawfully using the right-of-way.*

1 SEC. 2. Section three hundred nineteen point seven (319.7), Code
2 1973, is amended to read as follows:

3 **319.7 Duty of road officers.** It shall be the duty of all officers re-
4 sponsible for the care of public highways, outside cities and towns,
5 to remove from the traveled portion *and shoulders* of the highways
6 within their several jurisdictions, all open ditches, water breaks, and
7 like obstructions, and to employ labor for this purpose in the same
8 manner as for the repair of highways.

1 SEC. 3. Section three hundred nineteen point thirteen (319.13),
2 Code 1973, is amended to read as follows:

3 **319.13 Right and duty to remove.** *All If the following constitute*
4 *an immediate and dangerous hazard, all billboards, advertising signs*
5 *or devices, fences other than right of way boundary fences, or any*
6 *temporary obstruction, including abandoned vehicles except signs or*
7 *devices authorized by law or approved by the highway authorities,*
8 *placed or erected upon the right of way of any public highway shall*
9 *without notice or liability in damages be removable and the costs*
10 *thereof assessed against:*

11 1. The owner of any billboard, advertising sign or device so re-
12 moved.

13 2. The vehicle owner in the case of abandoned vehicles.

14 3. The abutting property in the case of fences other than right of
15 way line fences and other temporary obstructions placed by the owner
16 of or tenant on said property.

17 4. The owner or person responsible for placement of all other ob-
18 structions.

19 *Any such obstruction not constituting an immediate and dangerous*
20 *hazard shall be removed without liability after forty-eight hour notice*
21 *served in the same manner in which an original notice is served, or in*
22 *writing by certified mail, or in any other manner reasonably calculated*

23 to apprise the person responsible for the obstruction that the obstruction
24 will be removed at the expense of such person after the notice is
25 given.

26 Such removal and assessment of cost in the case of primary roads
27 shall be by the highway commission and in the case of secondary roads
28 by the board of supervisors.

29 Upon removal of the obstruction, the highway authority may im-
30 mediately send a statement of the cost of removal to the person re-
31 sponsible for the obstruction. If within ten days after sending the
32 statement the cost is not paid, the highway authority may institute
33 proceeding in the district court system to collect the cost of removal.

1 SEC. 4. Chapter three hundred nineteen (319), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Permit required.** A person shall not excavate, fill
4 or make any physical change within the right-of-way of a public road
5 or highway without obtaining a permit from the highway authority
6 having jurisdiction of such public road or highway. Any work per-
7 formed under the permit shall be performed in conformity with the
8 specifications prescribed by the highway authority. If the excavation,
9 fill or physical change within the right-of-way of a public road or high-
10 way does not conform to the specifications that accompany the permit
11 the person shall be notified to make such conforming changes. If after
12 twenty days the changes have not been made, the public road or high-
13 way authority may make the necessary changes and immediately send
14 a statement of the cost to the person responsible for the work done not
15 in conformance to the specifications. If within ten days after sending
16 the statement the cost is not paid, the highway authority may institute
17 proceedings in the district court system to collect the cost of correc-
18 tion. Utility companies are exempt from the provisions of this section.

Approved May 11, 1974

CHAPTER 1183

VAN BOXES ON MOTOR VEHICLES

H. F. 308

AN ACT relating to definition of vehicle and legalizing the operation of existing motor vehicles with van boxes fastened thereon.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point one (321.1),
2 subsection one (1), Code 1973, is amended to read as follows:

3 1. "Vehicle" means every device in, upon, or by which any person
4 or property is or may be transported or drawn upon a highway;
5 ~~excepting devices moved by human power or used exclusively upon~~
6 ~~stationary rails or tracks.~~ "Vehicle" does not include:

7 a. Any device moved by human power.

8 b. Any device used exclusively upon stationary rails or tracks.

9 c. Any steering axle, dolly, or other integral part of another vehicle,
10 except an auxiliary axle as defined in subsection sixty-nine (69) of this