

384.37 Definitions.

As used in this division, unless the context otherwise requires:

1. "*Abutting lot*" means a lot which abuts or joins the street in which the public improvement is located or which abuts the right of way of the public improvement.
2. "*Adjacent lot*" means a lot within the district which does not abut upon the street or right of way of the public improvement.
3. "*Construction*" includes materials, labor, acts, operations and services necessary to complete a public improvement.
4. "*District*" means the lots or parts of lots within boundaries established by the council for the purpose of the assessment of the cost of a public improvement.
5. "*Engineer*" means a professional engineer, registered in the state of Iowa, authorized by the council to render services in connection with the public improvement.
6. "*Final grade*" means the grade to which the public improvement is proposed to be constructed or repaired as shown on the final plans adopted by the council.
7. "*Grade*" means the longitudinal reference lines, as established by ordinance of the council, which designate the elevations at which a street or sidewalk is to be built.
8. "*Gravel*" includes gravel, crushed rock, cinders, shale and similar materials suitable for street construction or repair.
9. "*Lateral sewer*" means a sewer which contributes sewage, or surface or ground water from a local area to a main sewer or outlet.
10. "*Lot*" means a parcel of land under one ownership, including improvements, against which a separate assessment is made. Two or more contiguous parcels under common ownership may be treated as one lot for purposes of this division if the parcels bear common improvements or if the council finds that the parcels have been assembled into a single unit for the purpose of use or development.
11. "*Main sewer*" means a sewer which serves as an outlet for two or more lateral sewers, and which is commonly referred to as an intercepting sewer, outfall sewer or trunk sewer.
12. "*Oil*" means any asphaltic or bituminous material suitable for street construction or repair.
13. "*Parking facilities*" means parking lots or other off-street areas for the parking of vehicles, including areas below or above the surface of streets.
14. "*Paving*" means any kind of hard street surface, including, but not limited to, concrete, bituminous concrete, brick, stabilized gravel, or combinations of these, together with or without curb and gutter.
15. "*Private property*" means all property within the district except streets.
16. "*Property owner*" or "*owner*" means the owner or owners of property, as shown by the transfer books in the office of the county auditor of the county in which the property is located.
17. "*Proposal*" means a legal bid on work advertised for a public improvement under division VI of this

chapter.

18. "*Publication*" means public notice given in the manner provided in section 362.3.

19. "*Public improvement*" includes the principal structures, works, component parts and accessories of any of the following:

- a. Sanitary, storm and combined sewers.
- b. Drainage conduits, channels and levees.
- c. Street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil, oil and gravel or chloride.
- d. Street lighting fixtures, connections and facilities.
- e. Sewage pumping stations, and disposal and treatment plants.
- f. Underground gas, water, heating, sewer and electrical connections located in streets for private property.
- g. Sidewalks and pedestrian underpasses or overpasses.
- h. Drives and driveway approaches located within the public right of way.
- i. Waterworks, water mains and extensions.
- j. Plazas, arcades and malls.
- k. Parking facilities.
- l. Removal of diseased or dead trees from any public place, publicly owned right of way or private property.
- m. Traffic-control devices, fixtures, connections, and facilities.

20. "*Railways*" means all railways except street railways.

21. "*Repair*" includes materials, labor, acts, operations and services necessary for the repair, reconstruction, reconstruction by widening or resurfacing of a public improvement.

22. "*Sewer*" means structures designed, constructed and used for the purpose of controlling or carrying off streams, surface waters, waste or sanitary sewage.

23. "*Sewer systems*" are composed of the main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property.

24. "*Street*" means a public street, highway, boulevard, avenue, alley, parkway, public place, plaza, mall or publicly owned right of way or easement within the limits of the city.

25. "*Street improvement*" means the construction or repair of a street by grading, paving, curbing, guttering, and surfacing with oil, oil and gravel, or chloride, and street lighting fixtures, connections and facilities.

26. "*Total cost*" or "*cost*" of a public improvement includes the cost of engineering, preliminary reports,

property valuations, estimates, plans, specifications, notices, legal services, acquisition of land, consequential damages or costs, easements, rights of way, construction, repair, supervision, inspection, testing, notices and publication, interest during construction and for not more than six months thereafter, and printing and sale of bonds.

[R60, § 1064, 1097; C73, § 464466, 527; C97, § 751, 779, 792; S13, § 779, 792, 792-f, 840-c, -d; SS15, § 751, 840-h, -r; C24, 27, § 5938, 5962, 5974, 5975, 5987; C31, 35, § 5938, 5962, 5974, 5975, 5987, 6610-c8; C39, § **5938, 5962, 5974, 5975, 5987, 6610.04**; C46, § 389.1, 389.31, 391.1, 391.2, 391.14, 417.8; C50, 54, 58, 62, § 389.1, 389.31, 391.1, 391.2, 391.14, 391A.1, 417.8; C66, 71, 73, § 389.1, 389.31, 390A.39, 391.1, 391.2, 391.14, 391A.1, 417.8; C75, 77, 79, 81, § 384.37]

83 Acts, ch 90, § 23; 92 Acts, ch 1176, §1