

CHAPTER 136

SIDEWALK REGULATIONS

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136.01 PURPOSE. The purpose of this chapter is to place the responsibility on owners of abutting and adjoining property to reconstruct or repair sidewalks and maintain them in a safe condition and free from obstruction and to provide for payment of costs by owners after billing and certification of assessments.

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

1. “Defective Sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to one (1) inch or more.
  - B. Horizontal separations equal to one and one-half (1½) inches or more.
  - C. Holes or depressions equal to an area of two (2) square inches or more and a depth of one (1) inch or more.
  - D. Spalling over fifty percent (50%) of the surface of a single square of the sidewalk with one or more depressions equal to one-half (½) inch or more.
  - E. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one (1) square foot.
  - F. A sidewalk with any part thereof missing to the depth of the sidewalk.
  - G. A sidewalk cross slope in excess of one (1) inch per foot.
  - H. A slope no greater than 1:20 along the entire distance of the sidewalk if the sidewalk is inside of street right-of-way which is part of an accessible

route, as delineated in the State Building Code, Administrative Section, Chapter 16.704(4).

- I. Vegetation growing on or above the sidewalk creating a safety or passage problem.
2. “Owner” means the person owning title to abutting property or the contract purchaser thereof for the purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
3. “Sidewalk Improvements” means the reconstruction, repair, replacement or removal of a public sidewalk or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

136.03 STANDARD SIDEWALK SPECIFICATIONS. Specifications for the construction and repair of sidewalks, hereinafter called “City Sidewalk Specifications,” shall be kept on file in the office of the Clerk and the office of the Building Inspector. All sidewalk improvements on public property, whether performed by the owner of the abutting property, a contractor, or by the City, shall be performed in accordance with the City Sidewalk Specifications.

136.04 FAILURE TO COMPLY; REMEDIES. Whenever sidewalk improvements are made that do not conform to the provisions of this chapter and with the City Sidewalk Specifications, the City shall have the work redone to specifications with the costs assessed to the property owner as provided by Sections 364.12 and 384.37 through 384.77, Code of Iowa, as amended.

136.05 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment and dangerous conditions. Placement and maintenance of adequate warnings are the responsibility of the contractor, the owner and/or the lessee of the property.

136.06 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice or warning device provided by this chapter.

136.07 OBSTRUCTION OF SIDEWALKS. There shall be no parking of any vehicle, boat, camper, motorcycle, bicycle, children's toys or any other similar item(s) on any public sidewalk.

136.08 ORDERING SIDEWALK IMPROVEMENTS. The Council may order the repair or reconstruction of existing defective sidewalks (as defined in Section 136.02 of this chapter) upon any City right-of-way at the expense of the adjacent property owner. Notice

of this order shall be sent to the owner by certified mail. The notice shall provide that the owner may request a hearing by the Council within fifteen (15) days of receipt of the notice, if desired.

136.09 REPAIRING DEFECTIVE SIDEWALKS. It is the duty of the abutting and adjoining property owner at any time, or upon receipt of sixty (60) days' notice from the City, to repair, replace or reconstruct all broken or defective sidewalks in the street right-of-way abutting his or her property. If, after expiration of sixty (60) days as provided in the notice, the required work has not been done or is not in the process of completion, the City or a contractor hired by the City shall proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work there shall be submitted to the Council an itemized and verified statement of expenditures for material and/or labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed in accordance with Section 136.13 of this chapter.

136.10 EXEMPTIONS. Any sidewalks built on public property regardless of not being platted will be subject to this chapter. The Council shall have sole authority to issue exemptions from this chapter.

136.11 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make the necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter. The Council will then determine the future course of action(s).

136.12 SNOW, ICE AND ACCUMULATIONS. It is the duty of the owner to keep sidewalks abutting is or her property clear of the natural accumulations of snow or ice. If the owner fails to do so within forty-eight (48) hours after the latest snowfall, the City may have the natural accumulations of snow or ice removed without notice to the property owner. The City shall prepare an itemized statement of the costs and a legal description of the property and all costs shall be assessed in accordance with Section 136.13 of this chapter.

136.13 NOTICE OF ASSESSMENT. When a bill is submitted for sidewalk improvements or for removal of accumulations as provided in Sections 136.09 and 136.12 of this chapter, the Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, any and all related charges such as administrative costs, legal, publishing fees, etc., a description of the property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the time at which the Council will hear such objections. The time set for hearing shall be within fifteen (15) days after the service or mailing of the notice.

136.14 HEARING AND ASSESSMENT. At the time and place designated in the notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

136.15 BILLING AND CERTIFYING TO THE COUNTY. Thirty (30) days after issuance of the original notice or thirty (30) days after the Council's decision whichever is later, the Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes -Any assessment that exceeds one hundred dollars (\$100.00) may be paid in installments as set by the Council, not exceeding ten (10), in the same manner and at the interest rate as for special assessments under Chapter 384 of the Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

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