

**CHAPTER 136: SIDEWALK REGULATIONS**

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**136.01 PURPOSE.** The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

**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 three-fourths ( $\frac{3}{4}$ ) inch or more.
  - B. Horizontal separations equal to one (1) inch or more.
  - C. Holes or depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more and at least four (4) inches in diameter.
  - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ( $\frac{1}{2}$ ) inch or more.
  - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - G. A sidewalk with any part thereof missing to the full depth.
  - H. A change from the design or construction grade equal to or greater than three-fourths ( $\frac{3}{4}$ ) inch per foot.
  - I. The cross slope of the sidewalk exceeds one (1) inch per foot.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.

5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

**136.03 RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain all public right-of-way located between the edge of the street or curb line and the property line and shall keep such area in a safe condition free from defects, debris, nuisances, obstructions or any other hazard. The abutting property owner may be liable for damages caused by failure to maintain the public right-of-way located between the edge of the street or curb line and the property line. The abutting property owner shall maintain the sidewalk in a safe condition, in a state of good repair, and free from defects. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk. Notwithstanding the obligations imposed hereunder, the property owner shall in no event remove diseased trees or dead wood or plant, trim, remove or treat any tree or plant material on public right-of-way without first obtaining a permit from the city. (Ordinance No. 1403, 9/18/14)

*(Code of Iowa, Sec. 364.12 [2c])*

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

*(Code of Iowa, Sec. 364.12[2d & e])*

**136.05 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

*(Code of Iowa, Sec. 384.38)*

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

**136.07 SIDEWALK STANDARDS.** Sidewalk construction and repairs shall conform to the design and construction standards established by the City and shall meet the current edition of SUDAS and the following requirements:

1. Length, Width and Depth. Length, width and depth requirements are as follows:
  - A. Residential sidewalks shall be at least five (5) feet wide and four (4) inches thick, except through driveways the minimum thickness in six (6) inches, and each

section shall be no more than five (5) feet in length. The Building Official, or their designated representative, may allow narrower sidewalks when repairs are being made to existing sidewalks or when eliminating gaps in the existing sidewalk system.

B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick, except through driveways the minimum thickness in six (6) inches, five (5) feet wide, and no more than six (6) feet in length.

2. Location. The back of the sidewalk, defined as the edge nearest to the abutting private property line, shall be located two (2) feet from the property line, unless the Council establishes a different distance due to special circumstances.

3. Elevations. The front edge of the sidewalk, defined as the edge nearest the street shall be at an elevation of not less than one-quarter ( $\frac{1}{4}$ ) inch above the curb for each foot between the curb and the sidewalk, unless the Building Official, or their designated representative, determines field conditions warrant a change.

**136.08 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it is the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter are liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.09 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

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

**136.11 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.12 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

**136.13 FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.**136.14 DEFACING.** It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.15 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

*(Code of Iowa, Sec. 364.12 [2])*

**136.16 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.**136.17 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.**136.18 SIDEWALK INSTALLATION.** The following provisions govern the installation of sidewalks when the same are not covered by an existing memorandum of agreement.

1. Developer. The Developer of any subdivision consisting of two (2) or more lots shall be responsible for the construction of ADA-compliant curb ramps at all road crossings before the acceptance of public improvements. Curb ramps shall be installed in accordance with the current edition of SUDAS.
2. Property Owner. The Property Owner is responsible for the construction of an ADA-compliant sidewalk along all sides of the property that have street frontage.
  - a. Vacant or Undeveloped Lots. In instances where the Property Owner has no immediate intention to develop the property, the City may require sidewalk construction when such installation is deemed necessary to complete an otherwise continuous pedestrian walkway, to eliminate gaps in existing sidewalk systems, or to promote public safety and accessibility. The Building Official, or other

designated representative, shall determine the necessity and timing of such installation. Failure to comply with this requirement within the time specified in a written notice from the City shall constitute a violation of this code and may result in the City causing the sidewalk to be constructed, in accordance with the provisions of this Ordinance.

- b. Damaged Structures. Whenever a building permit is issued for a new principal structure or for remodeling or repairs equal to or exceeding 50% of the assessed value of an existing principal structure, it shall be a requirement for the issuance of the permit that the applicant agree that concrete sidewalks shall be constructed on all of the street frontage in conformance with the latest edition of SUDAS. The Council may defer the requirement for the installation of required sidewalks if it determines that there is no current public need for sidewalks and if there is a written agreement with the owner to install sidewalks within a specified time or at such time in the future as the Council may pass a resolution of necessity for said sidewalks.