

ORDINANCE NO. 14-11

ORDINANCE AMENDING SECTION 175.04 OF THE MARION CODE OF ORDINANCES RELATED TO CONSTRUCTION OF NEW SIDEWALKS AND ESTABLISHING A TIMELINE FOR INSTALLATION OF SIDEWALKS AND TRAILS IN NEW SUBDIVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA that the following amendment to Chapter 175 of the Municipal Code be adopted:

Section 1. That Chapter 175.04, Subsection (2)D of the Marion Code of Ordinances is hereby repealed in its entirety and replaced with the following:

- D. Sidewalks. Concrete sidewalks shall be constructed on both sides of the street in all subdivisions in conformance with the Design Standards Manual. Construction of sidewalks adjacent to lots in subdivisions may be deferred until a Building Permit has been issued for the adjacent lot, however said deferral shall not include corner ramp improvements or exceed 5 years beyond approval of the final plat of which the lot is located. The deferral of sidewalks within a final plat beyond the established 5 years shall not be extended unless specifically approved by City Council. No Certificate of Occupancy shall be issued until such time as the sidewalks have been constructed.

Deferral of sidewalks as provided for in this section will require the subdivider to enter into an agreement to complete sidewalk improvements. The performance of such construction shall be secured consistent with section 175.043, Guarantees of Performance.

Notwithstanding the above, The Council may defer the requirement for installation of required sidewalks at the time of construction of improvements for the subdivision in excess of the aforementioned timeframe if it is determined that there is no public need for sidewalks. If no public need has been determined to exist the subdivider shall enter into an agreement to install sidewalks at such time in the future as the City Council may pass a resolution of necessity for said sidewalks. Additionally, the subdivider shall provide performance of such construction consistent with Section 175.043, Guarantees of Performance.

Section 2. That Chapter 175.04, Subsection 3C, Waivers of Guarantee of Performance, of the Marion Code of Ordinances is hereby repealed in its entirety.

Section 3. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. That the changes as provided in this Ordinance shall be made a part of the replacement pages of the Marion Code of Ordinances and made a part of said Code as provided by law.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 10th of July, 2014.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance shown immediately above was published in the Marion Times on the 24th day of July, 2014.
Wes Nelson, City Clerk

City Clerk