

ARTICLE II
Sidewalk Regulations
[Adopted as Ch. 141 of the 2000 Code]

§ 278-14. Purpose. [Amended 3-23-2023 by Ord. No. 23-02]

The purpose of this article is to enhance safe passage by residents 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.

§ 278-15. Definitions.

For use in this article the following terms are defined:

ESTABLISHED GRADE — That grade established by the City for the particular area in which a sidewalk is to be constructed.

ONE-COURSE CONSTRUCTION — That the full thickness of the concrete is placed at one time, using the same mixture throughout.

OWNER — 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.

PORTLAND CEMENT — Any type of cement except bituminous cement.

SIDEWALK — All permanent public walks designed for pedestrian, wheelchair and mobility scooter use in business, residential or suburban areas. **[Amended 3-23-2023 by Ord. No. 23-02]**

SIDEWALK IMPROVEMENTS — 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.

§ 278-16. Removal of snow, ice and accumulations. [Ord. No. 21-08; amended 3-23-2023 by Ord. No. 23-02]

It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within 36 hours after the accumulation, the City may abate the nuisance in accordance with Chapter 223, Nuisance Abatement, of the Code of Ordinances.

§ 278-17. Responsibility for maintenance.

It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curblines or traveled portion of the public street.

§ 278-18. 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.

§ 278-19. 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.

§ 278-20. Sidewalk standards. [Ord. No. 15-24]

Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be in accordance with the latest edition of SUDAS.

§ 278-21. Barricades and warning lights. [Amended 3-23-2023 by Ord. No. 23-02]

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 shall be 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 have proper barricades at all times, pursuant to the latest edition of SUDAS as approved by the City Council. The party or parties using the street for any of the purposes specified in this article shall be 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 article or of any failure to comply with provisions hereof.

§ 278-22. 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 article.

§ 278-23. 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 article.

§ 278-24. Encroaching steps. [Amended 3-23-2023 by Ord. No. 23-02]

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

§ 278-25. Openings and enclosures.

It is unlawful for a person to:

- A. 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.
- B. 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.
- C. Protect openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

§ 278-26. 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.

§ 278-27. Defacing. [Amended 3-23-2023 by Ord. No. 23-02]

It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk. This section shall not

be construed to prohibit any easily removable markings on public sidewalks and streets used in connection with traditional children's games, City-sponsored events, any lawful event, or public purpose.

§ 278-28. 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.

§ 278-29. Merchandise display. [Amended 3-23-2023 by Ord. No. 23-02]

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 feet of the sidewalk next to the building be occupied for such purposes. In all cases, the vendor shall ensure that at least five feet of unobstructed sidewalk width remains open for pedestrian and wheelchair traffic.¹

§ 278-30. Sidewalk installation. [Ord. No. 03-05; amended 3-23-2023 by Ord. No. 23-02]

The following provisions govern the installation of sidewalks when the same are not covered by an existing memorandum of agreement. 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.

1. Editor's Note: Original § 141.17, Sales Stands, of the 2000 Code, which immediately followed this section, was repealed 3-23-2023 by Ord. No. 23-02.