

TITLE VII – TRANSPORTATION
SIDEWALKSCHAPTER 185
REGULATIONS

185.01 Purpose	185.12 Failure to Repair or Barricade
185.02 Definitions	185.13 Interference with Sidewalk Improvements
185.03 Removal of Snow, Ice and Accumulations	185.14 Awnings
185.04 Responsibility for Maintenance	185.15 Encroaching Steps
185.05 Failure to Maintain – Personal Injuries	185.16 Openings and Enclosures
185.06 City May Order Repairs	185.17 Fires on Sidewalks
185.07 Sidewalk Construction Ordered	185.18 Fuel on Sidewalks
185.08 Permit Required	185.19 Defacing
185.09 Indemnification	185.20 Debris on Sidewalks
185.10 Sidewalk Standards	185.21 Merchandise Display
185.11 Barricades and Warning Lights	185.22 Sales Stands

185.01 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.

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

1. “Broom Finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Defective Sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths (3/4) inch or more.
 - B. Horizontal separation equal to one-half (1/2) inch or more.
 - C. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty (50) percent over a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - E. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (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 (3/4) inch per foot.
3. "Established Grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 4. "One-course Construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. "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.
 6. "Portland Cement" means any type of cement except bituminous cement.
 7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
 8. "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.
 9. "Wood Float Finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

185.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. 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 24 hours of the end of a snowfall, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa Sec. 364.12[2b&e]) (Amended by Ordinance No. 163)

185.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

185.05 FAILURE TO MAINTAIN – PERSONAL INJURIES. If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear

and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect of other cause of the injury or damage, as to liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

185.06 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])

185.07 SIDEWALK CONSTRUCTION ORDERED. The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement petition the Council therefore, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with the state law for special assessments.

(Code of Iowa, Sec. 384.38)

185.08 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a 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.

185.09 INDEMNIFICATION. Any person securing a permit as required above shall agree to hold the City free from all liability for damages on account of injuries received by anyone through negligence of such person or such person's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

185.10 SIDEWALK STANDARDS. Sidewalk repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained, a three (3) inch sub-base of compact, clean coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the construction sidewalk will be at established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one (1) inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one (1) inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 601D.9)

185.11 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 shall be the duty of all persons having an interest therein, either as the constructor 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 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 chapter or of any failure to comply with provisions hereof.

185.12 FAILURE TO REPAIR OR BARRICADE. It shall be 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 they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

185.13 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.

185.14 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

185.15 ENCROACHING STEPS. It shall be 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.

185.16 OPENINGS AND ENCLOSURES. It shall be 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.

185.17 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

185.18 FUEL ON SIDEWALKS. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

185.19 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

185.20 DEBRIS ON SIDEWALKS. It shall be 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 other substance likely to injure any person, animal or vehicle.

(Cod of Iowa, Sec. 364.12[2])

185.21 MERCHANDISE DISPLAY. It shall be 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.

185.22 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.