

CHAPTER 57**SIDEWALK REGULATIONS**

57.01 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 inch or more;
 - B. Horizontal separations equal to three-fourths inch or more;
 - C. Holes or depressions equal to three-fourths inch or more and at least four inches in diameter;
 - D. Spalling over 50 percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half inch or more;
 - E. Spalling over less than 50 percent of a single square of the sidewalk with one or more depressions equal to three-fourths 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 design or construction grade equal to or greater than three-fourths inch per foot.
2. "Sidewalk Improvements": means the reconstruction, repair or replacement of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
3. "Owner": means the person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, if any.
4. "Superintendent": means the Superintendent of Public Works or the officer designated by the City Council to perform the duties prescribed for the engineer by this Chapter.

57.02 STANDARD SIDEWALK SPECIFICATIONS. The Superintendent shall prepare complete plans and specifications for the construction, reconstruction and repair of sidewalks and driveway crossings in sidewalks, which, upon approval of the Council, shall be kept on file in the office of the Clerk. The specifications shall include descriptions and location of barricades and warning lights. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision of and subject to inspection by the Superintendent, and in accordance with the plans and specifications adopted in accordance with this Chapter.

57.03 PERMITS FOR CONSTRUCTION OR REPAIR. No person shall make any sidewalk improvements unless such person shall obtain a permit from the Superintendent. The permit shall state that the person will comply with the ordinances of the City and with the specification for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the Superintendent. All such permits shall be issued upon payment of sidewalk construction or repair fee. A copy so such permit shall be filed and preserved in the office of the Superintendent. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Engineer. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this Chapter. The Superintendent may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements. The person who makes a sidewalk construction or repair permit application shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

57.04 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this Chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Superintendent shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the Superintendent shall have the work completed and the costs assessed to the property owner as provided in section 57.14 of this Chapter.

57.05 INSPECTION AND APPROVAL. Upon final completion, the Superintendent shall inspect the work. The Superintendent may order corrections if the work does not meet specifications.

When the work does meet all requirements of this Chapter, the specifications, and the permit, the Superintendent shall indicate this on both copies of the permit.

57.06 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 is the responsibility of the constructor, the owner, and the lessee of the property.

57.07 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.

57.08 ORDERING SIDEWALK IMPROVEMENTS. The Superintendent may order the reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the City Council within fifteen (15) days of receipt of the notice.

57.09 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) 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 the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Superintendent shall proceed to repair, replace or reconstruct the sidewalk. Upon completion of the work the Superintendent shall submit to the Council an itemized and verified statement of expenditures for material, labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes.

57.10 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this Chapter.

57.11 CLEANING SNOW, ICE AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the property clear of the natural accumulations of snow or ice. If the owner fails to do so within a reasonable time, the Superintendent may have the natural accumulations of snow or ice removed without notice to the property owner. The Superintendent

shall give the Council an itemized and verified statement of the costs and a legal description of the property. The costs shall be assessed against the property as taxes.

(Code of Iowa, 1995, Sec. 364.12 [2][b])

57.12 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Superintendent submits a bill for sidewalk improvements or for removal of accumulations as provided in 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, 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 place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

57.13 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.

57.14 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the Clerk shall certify any unpaid amounts to the county auditor. 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) may be paid in installments as set by Council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, 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.