

CHAPTER 135

SIDEWALK REGULATIONS

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135.01 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. When the City receives a complaint that snow or ice or accumulations of snow or ice or any unsafe condition has remained on any sidewalk for twenty-four (24) hours or more, the City may notify the abutting property owners that such snow or ice or accumulations of snow or ice or unsafe conditions are to be removed by the abutting property owner within the next twelve (12) hours or that said abutting property owner shall be subject to criminal prosecution.

135.02 DUMPING OF SNOW. It is unlawful for any persons to remove snow, ice and accumulations from private premises and to deposit the same upon any public highway, street, avenue, alley, public square and commons within the City.

135.03 ADDED SAFETY MEASURES. When ice has so formed upon any sidewalk that it cannot be removed, the owner, occupant or person in charge of abutting property shall keep such ice sprinkled with salt, ashes, sawdust or sand in such manner as to prevent such sidewalk from being dangerous to persons using the same.

135.04 FIRES ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk.

135.05 FUEL ON SIDEWALKS. It is unlawful for a person to place or allow any fuel to remain upon any sidewalk.

135.06 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

135.07 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 other substance likely to injure any person, animal or vehicle.

135.08 WATER OVER SIDEWALKS. It is unlawful for an abutting property owner to allow water from an improperly located eave or drain or from any roof to fall or drain onto a public sidewalk.

135.09 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owner to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, any damaged, defective or broken sidewalks and to maintain in a safe and hazard-free condition all sidewalks outside the lot and property lines and inside the curb lines or traveled portion of the public street. If a sidewalk is deemed by the City to be unsafe and posing a public hazard, the City shall provide written notification to the abutting property owner that repair or efforts to repair said damage or condition to the sidewalk must be completed within thirty (30) days of the date of notification. Failure or refusal by the abutting property owner, upon due notification by the City, to take corrective action will be cause for civil action.

135.10 PERMIT REQUIRED. Any person desiring to construct, reconstruct or repair any sidewalk within the corporate limits of the City shall, before commencing such construction, reconstruction or repair, apply for a permit to the City's Building Department.

135.11 BUILDING PERMIT TO REQUIRE SIDEWALK. Any person applying for a building permit for the purpose of erecting a new structure for occupancy shall also apply for a sidewalk permit covering the same premises set forth in the building permit if a full sidewalk is not already located thereon. Such application shall include the full frontage on the street side of all lots and in the case of corner lots shall include both street sides of said lots. The requirements for a sidewalk permit in this section shall be in addition to the requirements for the construction of sidewalks by a subdivider as set forth in the City's subdivision regulations. Where subdivisions are platted with rear lot walks, these walks shall be installed according to the requirements of the City's subdivision regulations. These improvements shall be paid for by the Developer and said permit obtained by same. In the event that the sidewalk cannot be constructed at the time of the building permit, a bond or other surety may be required in lieu of sidewalk construction.

135.12 APPLICATION. The application for a permit shall contain the following:

1. The name and address of the property owner of the property abutting the location where the sidewalk shall be constructed, reconstructed or repaired.
2. A sketch or diagram showing the location, width and thickness of the sidewalk to be constructed, reconstructed or repaired and all entryways or driveways, crossing the said sidewalk so as to provide access to the abutting property.
3. The name of the contractor or party who is to perform the construction, reconstruction, or repair.

The Clerk shall assess and applicant shall pay before any permit is issued a fee in the sum of ten dollars (\$10.00) and in the case of rear lot walks the fee is eight dollars (\$8.00) per lot adjoining.

135.13 SPECIFICATIONS FOR SIDEWALKS. A complete set of specifications for all walks, including ramps for persons with disabilities at intersections are available at the Community Development Department of the City.

135.14 SIDEWALK INSPECTIONS. The Building Department personnel are authorized to inspect, approve or disapprove the application for and construction of all sidewalks located within the corporate limits of the City. The party constructing, reconstructing or repairing any sidewalk shall call for inspections by notifying the inspector of sidewalks of the City when the subgrade has been brought to the elevation and grade as established by the City, and the forms have been set. A further inspection shall be called for and required upon completion of the sidewalk and removal of the forms but before the sidewalk is backfilled. Upon completion of all work and inspections as hereinbefore set out, the inspector of sidewalks for the City shall so certify upon the space provided on the permit to construct, reconstruct, or repair sidewalk and shall certify that the sidewalk has been completed in accordance with the specifications and plans of the City.

135.15 PAID BY ABUTTING PROPERTY OWNER. The actual cost of repairing broken or defective sidewalks shall be paid by the owner of the property abutting thereon and shall be assessed against such property. This also applies to rear lot sidewalks.

135.16 SCHEDULE OF ASSESSMENTS. Whenever any sidewalk has been repaired as provided in this chapter, the City official shall cause to be prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, and the amount charged to each lot, and for what work and materials the charge was made. Such schedule shall include all the work done under the provisions of this chapter for the twelve (12) month period ending on the 31st day of March of each year and as soon thereafter as practicable such schedule shall be filed with the City Clerk.

135.17 FILING OF SCHEDULE OF ASSESSMENTS. Upon the filing of the schedule of assessments for sidewalk repair with the Clerk, the Council shall, by resolution, set a date as the last date for filing written objections to the schedule of assessments, and the Clerk shall thereupon publish a notice in a newspaper of general circulation in the City, which notice shall be published at least twenty (20) days prior to the last day for filing written objections to the schedule of assessments, and which notice shall be in form and substance as follows:

<p>NOTICE OF ASSESSMENT FOR REPAIR OF SIDEWALK AND/OR REMOVAL OF SNOW AND ICE</p>
<p>TO: The owners of the following described real estate situated in the City of Urbandale, Polk County, Iowa:</p> <p style="text-align: center;">[Give legal description of real estate]</p>
<p>YOU AND EACH OF YOU ARE HEREBY NOTIFIED that a schedule has been prepared and is now on file in the Office of the City Clerk of the City of Urbandale, Iowa, showing assessments for the cost of repairing sidewalks in front of the above described real estate for the twelve (12) month period ending March 31, ____, and that said schedule shows the description of the said real estate to be assessed, the names of the owners thereof so far as known, the amount to be assessed to each parcel or lot or part thereof, and for what the assessments are made.</p>
<p>YOU ARE FURTHER NOTIFIED THAT any and all objections which you, or any of you, have to the said schedule of assessments, or any part thereof, must be filed in writing in the Office of the City Clerk of the City of Urbandale, Iowa, on or before _____, ____; otherwise, any objections to the said schedule will be considered as waived.</p>
<p>YOU ARE FURTHER NOTIFIED that thereafter and at a meeting of the City Council to be held at or before the first regular meeting of the City Council in June, ____, the City Council will adopt and approve a final schedule of assessments and cause such to be certified to the County Auditor for collection as provided by law and ordinance.</p>
<p>CITY OF URBANDALE, IOWA By _____ City Clerk</p>

135.18 OBJECTIONS TO SCHEDULE OF ASSESSMENTS. The Council shall consider all objections to the schedule of assessments for repairing sidewalks duly filed, and shall, by resolution, at or before the first regular meeting in June finally approve a schedule of assessments.

135.19 ADOPTION OF SCHEDULE OF ASSESSMENTS. Upon adoption by the Council, the schedule of assessments for repairing sidewalks and the resolution approving such shall be certified by the Clerk to the County Auditor for collection in the manner provided by law.

135.20 COST OF REPAIRING SIDEWALKS. The cost of repairing sidewalks shall be paid from the proper fund and when collected shall be credited to such fund.