

Chapter 10-1

SIDEWALK REGULATIONS

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10-1-1 Permanent Sidewalks

All sidewalks now or hereafter to be constructed upon any street or part of street, or tract of land abutting said streets shall be in conformity with the established grade of said street, or part of street, and all sidewalks now or hereafter constructed upon any street, part of street, or parcel of land where said grades have been or hereafter may be established, are hereby declared to be permanent sidewalks, and all permanent sidewalks now or hereafter built shall be constructed of cement, and shall conform with the grade now or hereafter to be established.

(Ord. No. 309495, Amended, 06/19/95)

10-1-2 Plans And Specifications

All sidewalks built or rebuilt shall be constructed in accordance with the official City plans and specifications applicable to sidewalks, including specifications as to width and thickness, and which specifications shall be adopted, and may from time to time be amended, by resolution of the City Council.

If standards determined pursuant to the Americans with Disability Act (ADA) require construction to a higher standard, the ADA Standard shall apply.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-3 Gaps In Sidewalk; Service Of Notice

Whenever non-sidewalk lots create a gap in an area of the City where sidewalks generally exist, or whenever other compelling circumstances require the installation of a sidewalk

where none has previously existed, the City Council may require the installation of sidewalks by the owner or owners of the lots without sidewalk. Whenever the Council shall, in accordance with the provisions of this Section, order any permanent sidewalk to be built, it shall be the duty of the Clerk to prepare a notice of said requirement and it shall be the duty of the Code Enforcement Officer to serve a copy of the notice of said order on the owner or owners of each of said lots or parts of lots or tracts of land fronting, abutting or lying along said contemplated improvement. The notice and return shall be filed with the Clerk and by him/her preserved among the records of the City. When such officer has reported that no one is found upon whom such service can be made, the said notice shall be published at least once in one of the newspapers published in the City and shall require the owner of said lot, lots, part of lot or pieces of ground to construct such sidewalk within the time so ordered by the Council, and that if the owner shall fail to do so, the same will be done at the owner's cost as provided in this Chapter; and such publication made after such return by the officer attempting to serve such notice shall in all cases be sufficient service upon such owner.

The Notice shall provide that the owner must obtain a permit to make such sidewalk improvements at such cost for the permit as is prescribed from time to time by resolution by the Council, and shall provide a time limit in which the construction of the sidewalk must be completed, and which time limit shall not be less than 120 days.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-4 Contract For Sidewalk

If the owner or owners of any lot, lots, or part of a lot or piece of ground along or across which said contemplated improvements are made, shall refuse, fail or neglect to have said sidewalk constructed and finished by the time limit set by the resolution or order of the Council, the City may procure the same to be done by contract as provided by resolution to be adopted by said Council, and the work shall be let to the lowest responsible bidder, and in all cases said work shall be done in conformance with City plans and specifications applicable to sidewalks.

(Ord. No. 309495, Amended, 06/19/95)

10-1-5 Payments Of Costs

The cost of the work done under such contracts as provided in Section 10-1-4 shall be paid to the contractor out of City funds and the Council shall levy and assess the whole amount of such expense, including that of advertisement, and all expenses incidental to the work upon the several lots or pieces of lands and owners thereof, in front of, alongside, or across which said sidewalk shall have been constructed, apportioning the same among the several lots and owners thereof in proportion to the number of feet of each lot in front of, along, or across which said sidewalk shall have been laid; and the amount so apportioned to each lot and the owner thereof shall constitute a special tax against such lots and owners, and the same with all interests, penalties and costs accruing thereon, including but not limited to the cost of the City's sidewalk repair permit fee, shall be a lien upon the lot, lots or piece of land until paid, and the same shall by resolution be certified to the County Auditor for collection along with other City taxes.

When the City assesses the cost of constructing a sidewalk across the property where no sidewalk has previously existed, the property owner may elect to make the payments in equal payments over

a period of not more than four years plus interest at the rate of five percent.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 09-O-2014-2015, Amended, 06/15/2015; Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-6 New Subdivisions

From and after the date of this ordinance, the Council shall not approve the platting of a new subdivision within the City of Storm Lake unless the platting documents include a plan for the installation of sidewalks by the developer or pursuant to a special assessment project wherein all property owners waive all possible objections to the City constructing said sidewalks pursuant to a special assessment project.

(Ord. No. 309495, Amended, 06/19/95)

10-1-7 Repair Of Sidewalks

It shall be the duty of the owners of lots and lands to keep in repair all sidewalks in front of or abutting any property owned by them. The Council may at any time by Resolution condemn any sidewalk now or hereafter in use, which is so constructed of material or in a manner different from what the City specifications provide, or for any cause is dangerous and unsafe, and may order and compel the sidewalk to be repaired or replaced in conformity with Section 10-1-2. The cost of all repairs, replacements and installation shall be the responsibility of the property owner.

Any deviation, separation or variation greater than the maximum allowable as established by the sidewalk inspection criteria adopted by resolution of the Council, and as the same shall be amended from time to time hereafter, it hereby declared to be per se dangerous and unsafe, and the Code Enforcement Officer is hereby authorized to notify the property owner of the defect and to order the repair or replacement of the defective sidewalk without the necessity of obtaining a resolution of condemnation from the Council.

(Ord. No. 309495, Amended, 06/19/95)

10-1-8 Sidewalk Inspection

For the purpose of discovering defects in existing sidewalks, the City Manager is directed to establish a sidewalk inspection program whereby sidewalks in the business district of the City are inspected every year and sidewalks in the balance of the City are inspected not less than once every four years. Persons designated by the City Manager to make sidewalk inspections shall note any deviation, separation, or variation greater than the maximum allowable as set forth in the sidewalk inspection criteria established by a separate resolution of the Council, and the Code Enforcement Officer shall in turn notify the property owner or owners to correct the noted problems as authorized in 10-1-7. The City Manager shall schedule the inspection so that to the greatest extent possible, all notices of correction work required will be mailed out by June 1 of each year.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-9 Owner's Responsibility On Receipt Of Notice Of Repair

Upon receipt of Notice to Repair Sidewalks, all homeowners shall, within sixty (60) calendar days thereafter, first obtain a permit from the Code Enforcement Officer and pay the charge for said permit.

The Application for the permit shall include the name of the contractor purposed to do the repair or replacement, or alternatively, provide notice that the owner will personally do the work and provide the tentative date of the repairs and provide notice as to whether the owner intends to repair or replace the sidewalk.

Following the issuance of this permit and within the same sixty (60) day time frame set forth above, all sidewalk repair or replacement as required in the Notice to the property owner shall be completed. For good cause shown, the City Manager is hereby authorized to extend the period of time for completion of sidewalk repair or replacement beyond the sixty (60) day period for such additional period of time as the manager deems reasonable.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-10 Repairing Sidewalks Upon Failure Of Owner To Comply With Notice To Repair

If a property owner shall fail to complete required repair or replacement of their sidewalk within the time frame provided by Section 10-1-9, the City Manager may cause to be repaired all such broken or defective sidewalks found to be dangerous or defective or found to be not in compliance with the sidewalk inspection criteria previously referred to. If the City Manager does so act, the provisions of Sections 10-1-3, 10-1-4 and 10-1-5 of this Chapter with respect to assessing the costs of installation of sidewalk against the property owner shall be applicable to effect the construction of the repairs.

Homeowners are given notice that if they fail to make the repairs required and if the City must then proceed, pursuant to this Section, to make the repair, it will be the policy of the City to make all repairs by removing the affected sections of the sidewalk and replacing them with new concrete notwithstanding that the homeowner might have pursued other possible remedies to bring the sidewalk into compliance. For assessments made pursuant to this Section, the property owner shall have the option of paying the assessment over a two (2) year period with interest at five percent (5%).

(Ord. No. 309495, Amended, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-11 Appeal Of Notice To Repair Or Notice of Assessment

Any property owner desiring to appeal a notice requiring the property owner to install and repair or replace sidewalk adjacent to or adjoining the owner's property must file a notice of appeal with the City Clerk within fifteen (15) days of the date on which the Code Enforcement Officer or such

officer's designee mailed the notice to the property owner by certified mail. The appeal shall be heard at the earliest possible date thereafter by three members of the City staff designated by the City Manager. In no case shall the appeal be heard by the City staff member who made the original inspection and determined the necessity of repairs. The three City staff members hearing the appeal shall affirm, reverse, or modify the decision of the Code Enforcement Officer or his designee to order the property owner to repair or replace sidewalk. If the City makes the repairs required upon failure of the property owner to do so and thereafter gives notice to the property owner of an assessment against the property for the cost of the repairs and for such other costs as may be assessed under this Chapter 10-1, and the property owner desires to appeal from that notice of assessment, the property owner shall file a notice of appeal with the City Clerk within fifteen (15) days of the date on which notice of the assessment was mailed to the property owner by certified mail. The appeal of the assessment shall be heard at the next regular city council meeting following the receipt of the notice of appeal by the City Clerk, provided the City Clerk's receipt of the appeal notice is three or more days before that regular council meeting; otherwise, at the second regular council meeting following the receipt by the Clerk of the notice of appeal. At the conclusion of the hearing on that property owner's appeal, the City Council shall affirm, reverse, or modify the original assessment order.

(Ord. No. 309495, Amended, 06/19/95) (Ord. 09-O-2014-2015, Amended 6/15/2015; Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-12 Cleaning

It shall be the duty of the owners or occupants of all lots or lands to keep all sidewalks in front of or adjoining the property owned or occupied by them, free and clear from all snow and ice and other accumulations from the abutting property. In the event that snow and ice or other accumulations from the abutting property be permitted to remain upon any sidewalk for a period of seventy two (72) hours, the City may, without notice to the property owner, cause the same to be removed, in which case the expense thereof shall be specially assessed against the abutting property and the owner thereof in an amount not exceeding one and one-half (1

10-1-13 Grades

The grades of all permanent sidewalks heretofore constructed in the City, are hereby confirmed, ratified and approved as the established grade. The grade for new sidewalk construction shall be established by the City Manager and a book shall be maintained in the office of the City clerk setting forth the grades of all sidewalks in the City and the clerk shall furnish the same to any person requesting such information. It shall be the duty of the City Manager to establish the grades for permanent sidewalks where none presently have been established.

(Ord. No. 309495, Enacted, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)

10-1-14 Liability

Each property owner with sidewalk adjacent to their property shall have the primary liability for any injury or property damage suffered by third parties as a result of a breach of the duty of the property owner to keep their sidewalk in good repair, as required by Section 10-1-7, or to

keep their sidewalk clean as required by Section 10-1-12, and each said property owner shall hold the City of Storm Lake harmless with respect to any such liability to third parties suffering injuries or property damage.

(Ord. No. 309495, Enacted, 06/19/95)

10-1-15 Municipal Infraction

A violation of any provision of this Chapter, specifically including the failure to obtain permits that are required by this Chapter or failure to pay the permit fee, shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

(Ord. No. 309495, Enacted, 06/19/95) (Ord. 05-O-2013-2014, Amended, 02/17/2014)