

ORDINANCE 1-2023

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO SIDEWALK REGULATIONS

Be It Enacted by the City Council of the City of Springville, Iowa:

SECTION 1. SECTION MODIFIED. Section 136.02 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.02 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 ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes, missing sections, or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) 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.
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.

SECTION 2. SECTION MODIFIED. Section 136.03 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, not to exceed 24 hours following the cessation of weather event or the forming of ice, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk. The City reserves the right to exempt, by resolution of the Council, specific and identified areas in which the City has invested in streetscape and landscaping enhancements. In areas exempted by the City, it shall specify in a written notice to the abutting property owner who shall maintain the area. Cleaned or cleared, is the full width of the sidewalk (public used) and the length the abutting property. If the City cleans or clears said sidewalk it will be charged at a rate of \$150 per hour, with a minimum of one (1) hour. Responsible party is current resident, but ultimately all responsibility is the property owners.

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

SECTION 3. SECTION MODIFIED. Section 136.04 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.04 PROPERTY OWNER'S 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 in absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk. The City reserves the right to exempt, by resolution of the Council, specific and identified areas in which the City has invested in streetscape and landscaping enhancements. In areas exempted by the City, it shall specify in a written notice to the abutting property owner who shall maintain the area. This section shall be interpreted consistently with Section 136.05 of this chapter.

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

SECTION 4. SECTION MODIFIED. Section 136.05 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.05 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. The City reserves the right to exempt, by resolution of the Council, specific and identified areas in which the City has invested in streetscape and landscaping enhancements. In areas exempted by the City, it shall specify in a written notice to the abutting property owner who shall maintain the area. This section shall be interpreted consistently with Section 136.04 of this chapter.

(Code of Iowa, Sec. 364.12[2d & e])

SECTION 5. SECTION MODIFIED. Section 136.07 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.07 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. Permit fee shall be set by resolution of the City Council.

SECTION 6. SECTION MODIFIED. Section 136.08 of the Code of Ordinances of the City of Springville, Iowa, is repealed and the following adopted in lieu thereof:

136.08 SIDEWALK STANDARDS. Sidewalks 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 shall be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks in all new developments and subdivisions shall be at least five (5) 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.
 - D. Residential sidewalks in neighborhoods with existing sidewalks shall match the abutting sidewalks.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to special 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 ($\frac{1}{2}$) inch and not more than two (2) inches above the curb for each foot between the curb and the sidewalk.
9. Cross Slope. All sidewalks shall slope no more than one-quarter ($\frac{1}{4}$) inch per foot.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities.

- A. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road.
- B. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.
(Code of Iowa, Sec. 216C.9)

SECTION 7. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 6th day of February, 2023, and approved this 6th day of February, 2023.

Lyle Andersen, Mayor

ATTEST:

Dee Wagaman, City Clerk

First Reading: February 6, 2023

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance 1-2023 on the ____ day of _____, 2023.

Dee Wagaman, City Clerk