

ORDINANCE NO 101822-1

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF  
THE CITY OF HARTFORD, IOWA, BY AMENDING  
ORDINANCE 136 SIDEWALK REGULATIONS**

**BE IT ENACTED** by the City Council of the City of Hartford, Iowa:

**SECTION 1. SECTION MODIFIED.** Chapter 136, of the Code of Ordinances of the City of Hartford is repealed and the following adopted in lieu thereof:

**CHAPTER 136**

**SIDEWALK REGULATIONS**

136.01 Purpose  
136.02 Definitions  
136.03 Removal of Snow, Ice and Accumulations  
136.04 Responsibility for Maintenance  
136.05 City May Order Repairs  
136.06 Sidewalk Construction Ordered  
136.07 Permit Required  
136.08 Barricades and Warning Lights  
136.09 Failure to Repair or Barricade

136.10 Interference with Sidewalk Improvements  
136.11 Awnings  
136.12 Encroaching Steps  
136.13 Openings and Enclosures  
136.14 Fires or Fuel on Sidewalks  
136.15 Defacing  
136.16 Debris on Sidewalks  
136.17 Merchandise Display  
136.18 Sales Stands

**136.01 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.

As of May 17, 2022, the City Council has adopted the blue line plan from the Council approved Sidewalk Committee which outlines the safe sidewalk to school routes. Any new construction along this line must have a sidewalk installed. Any exterior remodel of 400 sq ft or more along this blue line must repair any existing sidewalk or install a new sidewalk if one does not exist.

**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. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

4. "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.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "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.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 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 forty-eight (48) hour period after cessation of such storm, 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])*

**136.04 RESPONSIBILITY FOR MAINTENANCE.** It is the responsibility of the abutting property owners to maintain in a safe, and hazard-free condition and to make repairs to any defective 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])*

*Defect or defective condition* means a public sidewalk has a defect or defective condition when it exhibits one or more of the following characteristics:

- (1) Vertical separations equal to three-fourth inch or more;
- (2) Horizontal separations equal to three-fourth inch or more;
- (3) Holes or depressions equal to three-fourth inch or more;
- (4) Spalling over 50 percent of a single square or panel of sidewalk with one or more depressions equal to one-half inch or more;
- (5) A single square or panel of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot, or is cracked in such a manner that it constitutes danger or potential danger to the public;
- (6) A sidewalk with any part thereof missing to the full depth;

- (7) A deviation on the staked and constructed grade equal to three-fourth inch or more;
- (8) Covered in whole or in part with weeds or other plants, garbage, junk, rubbish, debris, solid waste, bird or animal droppings or any nuisances, obstructions or hazards which makes or tends to make pedestrian travel either dangerous or impractical.

**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.

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

**136.06 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said reconstruction or installation will comply with all ordinances and requirements of the City for such work.

*(Code of Iowa, Sec. 216C.9)*

**136.08 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 contractor 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.

**136.09 FAILURE TO REPAIR OR BARRICADE.** It is 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 of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.10 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.

**136.11 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the 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.

**136.12 ENCROACHING STEPS.** It is 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.

**136.13 OPENINGS AND ENCLOSURES.** It is 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.

**136.14 FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

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

*(Code of Iowa, Sec. 716.1)*

**136.16 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 substance likely to injure any person, animal or vehicle.  
(Code of Iowa, Sec. 364.12 [2])

**136.17 MERCHANDISE DISPLAY.** It is 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.

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

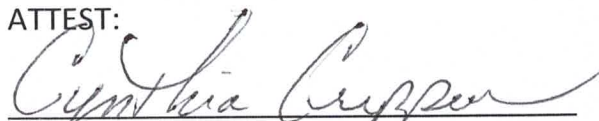
**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged in valid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication by law.

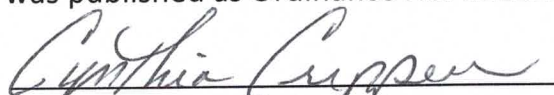
Passed by the Council the 18 day of October, 2022, and approved this 18 day of October, 2022.

  
Kandi S. Petry – Mayor

ATTEST:

  
Cynthia Crippen – City Clerk

I certify that the foregoing was published as Ordinance No. 101822-1 on the 27 day of October, 2022.

  
Cynthia Crippen – City Clerk

1<sup>st</sup> Reading –

Motion by Council Member Lanphier, seconded Council Member Goldsberry, to approve the second reading of Ordinance NO. 101822-1

AYES: - Eckert, Goldsberry, Jors, Wilson, Lanphier

NAYS: -

ABSENT: -

2<sup>nd</sup> Reading – WAIVED

Motion by Council Member Lanphier, seconded Council Member Wilson, to approve the second reading of Ordinance NO. 101822-1

AYES: - Eckert, Goldsberry, Jors, Wilson, Lanphier

NAYS: -

ABSENT: -

3<sup>rd</sup> Reading – WAIVED

Motion by Council Member Lanphier, seconded Council Member Wilson, to approve the third reading of Ordinance NO. 101822-1

AYES: - Eckert, Goldsberry, Jors, Wilson, Lanphier

NAYS: -

ABSENT: -