

## CHAPTER 136

# SIDEWALK REGULATIONS

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**136.01 PURPOSE.** The purpose of this ordinance is to promote the health, safety and general welfare of the City of Carlisle, and to ensure compliance with the following goals in accordance with the City of Carlisle's Complete Street Policy passed in April 2014:

1. Promoting the safety of pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors (or variously-abled) within the community;
2. Insuring that the ADA guidelines are met for all sidewalk or pathway installations, existing and proposed;
3. Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental, and historical features of developing or existing neighborhoods;
4. Connecting to existing and projected sidewalks or pathways whenever the opportunity arises to insure an interconnected pedestrian system; and,
5. Insuring that all development actively implements the building of sidewalks or pathways for new construction, reconstruction, or rehabilitation.

**136.02 DEFINITIONS.** For use in this chapter the following terms are defined:

1. "Pedestrian friendly" or "walkability" means the presence of facilities and design features that make an environment safe and attractive to pedestrians. These include: walkable distances between uses, (i.e. under ¼ mile); sidewalks, paths and walkways; continuous visual interest (i.e. uninterrupted line of buildings, attractive barrier in front of parking lots, murals on blank walls, infill development, pocket parks, etc.); consumer uses (i.e. restaurants, shops, cinemas, housing); trees for shade; awnings for shelter; buildings and landscaping elements sited to avoid wind tunnel effect, and to provide sheltered areas; visual texture in the streetscape (i.e. interesting storefronts, public art, plantings, pavement patterns, etc.); people presence (i.e. sidewalk cafes, street vendors, late business hours, residents using front porches and yards); good maintenance and inclusion of site amenities; buffers between cars and pedestrians (i.e. planted medians, on-street parking, grade separation); paths connecting adjacent uses; crosswalks and ramps; traffic calming devices; traffic lights.
2. "Crosswalk" means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing. If there is no marking, a sidewalk crossing is implied at each leg of every intersection by the extension of the lateral lines of the sidewalk on each side, or where the sidewalk would be if there is none.

3. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
4. “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 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.
  - H. A change from the design or construction grade equal to or greater than three-fourths ( $\frac{3}{4}$ ) inch per foot.
5. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
6. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
7. “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.
8. “Portland cement” means any type of cement except bituminous cement.
9. “Sidewalk” means all permanent public walks in business, residential or suburban areas. Sidewalks should be a minimum of 5 feet recommended in residential areas and a minimum of 8 feet in commercial areas.
10. “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.
11. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
12. “Bicycle/recreational trail” means a PCC, blacktop or gravel bicycle/recreational route developed primarily for outdoor recreational purposes. Trails are largely designed for pedestrians and other users to “experience” the outdoors and may be used by a variety of users, but they are not primarily designed for transportation purposes. Bicycle trails within the City of Carlisle should be constructed at a minimum of ten (10) feet in width with a preferred width of twelve (12) feet whenever possible.
13. “Trailhead” means an outdoor system developed to serve as an access point to a bicycle/recreational trail which generally includes an area to park vehicles and typically is a

beginning or ending point of a bicycle/recreational trail. The junction of two or more trails, where no other access point is provided to the trails, is not a trailhead.

14. “Mature tree” means any tree with a diameter at breast height of 10 inches or greater.

**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 and trails when it abuts a street. Property owners responsible for removing accumulations from trail need only to clear a five foot path. If a property owner does not remove snow, ice, or accumulations within 48 hours following the conclusion of the weather event, the City will provide a 24-hour notice in the door. Following the 24-hour notice the City may have the natural accumulations of snow or ice removed and assess the costs against the property owner for collection in the same manner as a property tax. Under extreme weather conditions, the City may provide additional time for abutting property owners to remove snow, ice, and accumulations from the sidewalk.

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

**136.04 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 traveled portion of the public street (see Appendix B).

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

**136.05 RESPONSIBILITY FOR FINANCIAL COSTS OF SIDEWALKS.** It is the responsibility of the abutting property owner to pay 100 percent of the cost of installing or replacing sidewalks. An abutting property owner of a corner lot is required to pay 100 percent of the cost for both legs of sidewalk on their property. The cost of installing or replacing the sidewalk can be assessed in the same manner as property taxes and payments can be spread over a ten-year period at an interest rate of 5 percent.

It is the responsibility of the City to pay for any costs associated with installing ADA ramps. In situations where the sidewalk is wider than 5 feet, the City is responsible for covering the costs that go beyond installing or replacing 5 feet of sidewalk.

**136.06 ANNUAL INSPECTION ZONES.** The City will be responsible for inspecting the public sidewalks on a five (5) year cycle within the City. These inspections shall be made to determine if any of the public sidewalks within a particular zone of the City are defective as defined. The City will be divided into five zones as designated in (Appendix “A”). When a sidewalk defect is found to exist outside of the annual inspection zone, the City will initiate appropriate action as directed by this policy to have the sidewalk reconstructed. The annual inspections will occur on the following timeline:

1. August – Designated zone sidewalk inspections completed;
2. August 31 – Notifications mailed to property owners;
3. October – April – Property owner requests bids for repairs and selects contractor;
4. May 1 – Seventy-five day initiated from May 1;
5. July 15 – Deadline for property owners to complete sidewalk repair; and,
6. July – October – Three months for City to coordinate and schedule uncompleted repairs.

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

**136.07 CITY SHALL ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council shall serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within seventy-five (75) days from May 1. If, upon expiration of the 75

days as provided in said notice, the required work has not been done or is not in the process of completion, the City shall require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. No such assessment shall be made for the repair, reconstruction or replacement of a public sidewalk unless the City has served upon the person shown by the records of the Warren County recorder to be the owner of the abutting property, by certified mail, a notice requiring said person to repair, reconstruct or replace the public sidewalk within seventy five (75) days from May 1. All sidewalk improvements shall be performed under the supervision and inspection of the Public Works Director.

If work has not commenced following the 75 day notice, the sidewalk will be placed on a list for repair and the City's contractor notified to proceed with the repairs. Upon completion of the repair the property owner will be sent by regular mail an invoice of the actual cost of the repair with no administration fee. The property owner will have 30 days to pay the invoice. If the invoice is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes.

Any unpaid costs for said repairs over \$500 will be assessed and collected in the same manner as property taxes. There shall be returned to the City Council an itemized assessment schedule, verifying expenditures used in doing such work, and the legal description of the lots, or tract of ground abutting the sidewalk on which such work has been performed. Assessments may be spread over a ten-year period at an interest rate of 5 percent. Any costs less than \$500 will be assessed in one installment. There will also be a \$50 administrative fee if costs are assessed against the property. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15<sup>th</sup> and April 15<sup>th</sup> except where it is determined by the Director of Public Services or their designee to be an emergency excavation.

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

**136.08 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*. The abutting property owner will not be responsible for the cost of installing ADA ramps. In situations where ADA ramps are required the portion of the cost associated with the ramp is the economic responsibility of the City.

*(Code of Iowa, Sec. 384.38)*

**136.09 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. A written application for such permit shall be filed with the City.

**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 may 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. The adequacy of the soil drainage is to be determined by the City.
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 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. New sidewalks in existing neighborhoods shall be five (5) feet wide. Replacement sidewalks in existing neighborhoods shall conform to the width of the previously existing sidewalks, provided the minimum width of new or replacement sidewalks in existing neighborhoods shall not be less than four (4) feet, unless the abutting property owner is replacing more than 50 percent of their sidewalk. In such cases, the replacement sidewalk shall be five (5) feet wide.
  - 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.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on 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 is 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 (½) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall not exceed a 1.5 percent cross slope.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. 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. 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)*

**136.11 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.

**136.12 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.

**136.13 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.

**136.14 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.

**136.15 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.

**136.16 FIRES OR FUEL 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.

**136.17 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)*

**136.18 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])*

**136.19 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.

**136.19 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.

*(Ch. 136 – Ord. 731 – May 18 Supp.)*

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