

INSTALLATION, REPAIR AND MAINTENANCE OF SIDEWALKS WITHIN THE CITY LIMITS OF THE CITY OF WAUKEE AND PROVIDING PENALTIES FOR VIOLATIONS

§218.1 Abutting Property Owner to Maintain Sidewalks and Parking. Pursuant to §364.12 of the Code of Iowa, the abutting property owner shall maintain sidewalks, parking and all other property outside the private property lot lines and inside the curb lines upon the public streets; except that the property owner need not remove diseased trees or dead wood on the publicly owned property or right-of-way; and no person shall plant or place any tree or shrub in the publicly owned property or right-of-way, or allow any dirt or other material to move from said parking or right-of-way into the traveled portion of any street or highway without the permission of the public works director.

§218.2 Removal of Snow, Ice and Accumulations

- A. **Duty of Property Owner.** It is the responsibility of the abutting property owner to remove snow, ice and accumulations from the sidewalks within 24 hours after the cessation of the weather event or other cause of the accumulation.
- B. **Failure of Property Owner.** Any owner who shall, for a period of 24 hours after the cessation of the storm or cause of accumulation, permit snow, ice or accumulation to remain upon the adjoining and abutting sidewalks, is guilty of a municipal infraction punishable by civil penalty of \$50.00 for the first offense; \$100 for the second offense; and not more than \$750 for each subsequent offense. A penalty will not be assessed until 12 hours after the City of Waukee shall have given a warning to the party responsible to remove such accumulation.
- C. **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.
- D. **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, sidewalk, public square and commons within the City.
- E. **Removal by City; Assessing Costs.** Should snow, ice, or accumulations be permitted to remain upon any sidewalk for a period of ten (10) daylight hours after the cessation of the storm or cause of accumulation, after affording reasonable notice, the city manager may, in his discretion, cause the same to be removed and the actual cost of the removal *assessed* against the property in accordance with Iowa Law.

§218.3 Other Hazards and Accumulations.

- A. **Fires on Sidewalks.** It is unlawful for a person to make a fire of any kind on any sidewalk.
- B. **Fuel on Sidewalks.** It is unlawful for a person to place or allow any fuel to remain upon any sidewalk.
- C. **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.

- D. **Water over Sidewalks.** It is unlawful for an abutting property owner to allow water from an improperly located eave, sump pump or drain or from any roof to fall or drain onto a public sidewalk.
- E. **Defacing.** It is unlawful for a person to scatter or place any paste, paint, graffiti, picture, writing or other material which changes or alters the natural color of any sidewalk.

§218.4 **Construction of New Sidewalks.** Any newly platted lots are required to construct a sidewalk in accordance with the City's subdivision regulations and other applicable ordinances. Notwithstanding agreements to the contrary, existing platted lots without existing sidewalks are required to install sidewalks upon notification by the director of public works.

§218.5 **Penalties.** Any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be guilty of a Simple Misdemeanor punishable through the imposition of a fine and/or term of imprisonment set forth in §103.4(A) of the Waukee Municipal Code, except to the extent the penalties have been specifically limited in section 218.2 herein. Violations may also be prosecuted as municipal infractions subject to the imposition of penalties and other relief as provided in Chapter 103 of the Waukee Municipal Code and the law of the State of Iowa. Each day that a violation occurs and/or is permitted to exist constitutes a separate offense.

(repealed, replaced in entirety) November 5, 2007 – Ordinance 2620