

Chapter 4 SIDEWALKS

8-4-1: SIDEWALK DEFINED:

All sidewalks hereafter constructed or reconstructed in the city on streets, highways, avenues, or public grounds that are at grade or have been ordered brought to grade shall be permanent sidewalks. All other sidewalks shall be temporary sidewalks. (Ord. A-68, 12-28-1953)

8-4-2: SPECIFICATIONS; PERMANENT SIDEWALKS:

No permanent sidewalks in the city shall be constructed or reconstructed unless it shall:

- A. Be done so that, when completed, such sidewalks shall be at the established grade and remain permanently in such position.
- B. All permanent public sidewalks hereafter will be designed and installed to specifications approved by the city council. Said specifications will be on file in the city engineer's office.
- C. Be of width uniform with that of adjoining sidewalks, if any, and placed so as to have each edge in line with the corresponding edge of adjoining sidewalks, provided that all permanent sidewalks shall extend from the lot line to the curbing in areas zoned as business and shall be not less than forty two inches (42") in width in all other parts of the city. (Ord. A-68, 12-28-1953; amd. Ord. A-95, 7-5-1955; Ord. C-176, 11-1-1993)

8-4-3: PLANS; SPECIFICATIONS; PERMIT:

Before constructing or reconstructing any sidewalk, the owner of the land adjacent thereto shall furnish the city engineer plans and specifications for the same, which shall contain the name of the owner of the property, a legal description of the land in front of which the sidewalk is to be built, and a statement that the sidewalk will be built in accordance with the plans and specifications and in accordance with the provisions of this chapter. Upon approval of plans and specifications, the city engineer shall file the same, with his approval

endorsed thereon, with the clerk, who shall forthwith issue a permit for said construction or reconstruction. No sidewalks shall be constructed or reconstructed without such permit or in any manner other than in accordance with this chapter and the approved plans and specifications. (Ord. A-68, 12-28-1953)

8-4-4: CONSTRUCTION; RECONSTRUCTION; REPAIR; PERMANENT SIDEWALKS:

The city shall have the power to construct, or reconstruct, or repair permanent sidewalks within its limits and to assess the costs thereof to private property¹. (Ord. A-68, 12-28-1953)

8-4-5: VIOLATION:

Any violation of the provisions of this chapter is a municipal infraction, punishable as provided in section [1-4-2](#) of this code. (Ord. C-200, 6-21-1994)

8-4-6: ABUTTING PROPERTY OWNER TO MAINTAIN:

- A. Pursuant to section 364.12(2)(c) of the code of Iowa, as amended, abutting property owners are required to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way. (Ord. B-459, 3-5-1985)

- B. The owner of any lot or parcel thereof abutting upon any sidewalk on the city streets in the city shall maintain said sidewalk in a state of good repair, free from cracks, holes and unevenness so that the sidewalk does not constitute a safety hazard. A state of sidewalk disrepair is hereby declared a public nuisance. The owner of any lot or parcel who fails to repair said sidewalk shall be liable to any person injured as a result of such failure and shall further save, defend, indemnify and hold harmless the city of Fort Madison from and against any claim arising out of the failure to maintain said sidewalk. (Ord. C-407, 10-5-2004)

[Footnote 1](#): IC §389.38.

