

ORDINANCE 2025-03
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CLERMONT, IOWA, BY AMENDING PROVISIONS
PERTAINING TO SIDEWALK REGULATIONS

BE IT ENACTED by the City Council of the City of Clermont, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 136
SIDEWALK REGULATIONS

136.01 Purpose	136.14 Openings and Enclosures
136.02 Definitions	136.15 Fires or Fuel on Sidewalks
136.03 Removal of Snow, Ice, and Accumulations	136.16 Defacing
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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.

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 a reasonable time, 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(2)(b) and (e))

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners 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.

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

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(2)(d) and (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 PERMISSION REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained permission 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.

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 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, sand, or cinders 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 four feet wide and four inches thick, and each section shall be no more than four feet in length.
 - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length.
 - C. Driveway areas shall be not less than six 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. Slope. All sidewalks shall slope one-quarter inch per foot toward the curb.
 8. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.
 9. Ramps for Persons with Disabilities. There shall be not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 30 inches wide, shall be sloped at not greater than one inch of rise per 12 inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.
(Code of Iowa, Sec. 216C.9)
 10. Grade. Curb tops shall be on level with the centerline of the street which shall be at the established grade.
 11. Elevations. The street edge of a sidewalk shall be at elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.

136.09 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.

136.10 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.

136.11 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.

136.12 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 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.

136.13 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.

136.14 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 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 feet of any sidewalk.

136.15 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 on any sidewalk.

136.16 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)

136.17 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))

136.18 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 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.

136.20 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless a person obtains a Building Permit from the City. The permit shall state when the work is to begin and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City. All permits for sidewalk improvements not ordered by the Council shall be issued in compliance with this chapter. The City may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the

necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

136.21 FAILURE TO OBTAIN PERMIT – REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the City shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained, and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the City shall have the work completed and the costs assessed to the property owner as provided in Section 136.24.

136.22 INSPECTION AND REMOVAL. Upon final completion, the City shall inspect the work. Corrections may be required by the Council if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications and the permit, the City shall indicate this on both copies of the permit.

136.23 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the City submits a bill for sidewalk improvements or for removal of accumulations as provided in Sections 136.03 and 136.20, the Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal notice or certified mail to the last known address of the owner. The notice shall contain a statement about the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice shall also indicate that the person may object to such an assessment and give the place and time at which the Council will hear such objections. The time set for each hearing shall be at least 15 days after the service or mailing of the notice.

136.24 LIABILITY OF ABUTTING OWNERS.

1. In the event the owners of this property abutting any public sidewalk fail or refuse to perform any act required of them by this chapter, and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect or the condition of said sidewalk, the City may notify in writing the said abutting owners that it claims the injury was caused by their negligence or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgement rendered against the City, and asking the person to appear and defend.

2. A judgement obtained in a suit is conclusive in any action by the City against any person so notified as the existence of the defect or condition or other cause of the injury or damage as to the liability of the City to the plaintiff in the first-named action and as to the amount of damage or injury. The City may maintain an action against the person notified to recover the amount of the judgement together with all the expenses incurred by the City in the suit.

136.25 HEARING AND ASSESSMENT. At the time and place designated in the notice provided for in Section 136.23, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

136.26 BILLING AND CERTIFYING TO THE COUNTY. Thirty days after the Council’s decision, the Clerk shall certify any unpaid amounts to the County Auditor. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$500.00 may be paid in installments as set by the Council, not exceeding 10, in the same manner and the same interest rates as for special assessments under Chapter 384, *Code of Iowa*. No interest shall be charged for assessments or parts thereof; paid within 30 days of the time the Council determined the final amounts.

SECTION 2. 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.

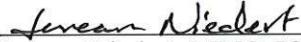
SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council on the 6th day of October, 2025, and approved this 6th day of October, 2025.



 Mayor James Matt

ATTEST:



 Jenean Niedert, MMC, ICMC
 City Clerk

I certify that the foregoing was published as Ordinance 2025-03 on this 22nd day of October, 2025





 Jenean Niedert, MMC, ICMC
 City Clerk

8-18-2025	Aye	Nay	Abstain	Absent
Schott	X			
Schrader	X			
Larson	X			
Cummings	X			
Mitts	X			

9-15-2025	Aye	Nay	Abstain	Absent
Schott	X			
Schrader	X			
Larson	X			
Cummings	X			
Mitts	X			

10-6-2025	Aye	Nay	Abstain	Absent
Schott	X			
Schrader	X			
Larson	X			
Cummings	X			
Mitts	X			