

**ORDINANCE NO. 78-2025**

**AN ORDINANCE AMENDING CHAPTER 136 “SIDEWALK REGULATIONS” OF  
THE CODE OF ORDINANCES OF THE CITY OF PALO, IOWA**

**SECTION I. PURPOSE.** The purpose of this ordinance is to conform with recent opinions of the Iowa Supreme Court regarding the sidewalk maintenance and liability.

**SECTION II. SECTIONS AMENDED.** The following sections of the City Code is hereby amended as follows with underlined text indicating new language and struck through text indicating removal:

**CHAPTER 136**

**136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk within the public right-of-way between the outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

Sidewalk shall be considered defective if any of the following characteristics are true:

- A. Vertical separations equal to three-quarters inch (3/4”) or more;
- B. Horizontal separations equal to three-quarters inch (3/4”) or more;
- C. Spalling or surface deterioration over fifty percent of the surface of a single square of the sidewalk and one or more three-quarters inch (3/4”) depression.
- D. A single square of sidewalk cracked in such a manner causing three (3) or more pieces with one or more loose pieces.
- E. Vertical or horizontal separations equal to three-fourths inch (3/4”) or more where sidewalk abuts the curb, or any other fixture or structure and the separation is deemed unsafe;
- F. Any other defects deemed unsafe by the City Official.

Defective sidewalks shall be corrected by the abutting property owner following the sidewalk standards set forth in section 136.08.

Sidewalk repairs shall be by removal and replacement of full sidewalk panels from existing joint to existing joint for all defect types at full width of the existing sidewalk. Replacement panels shall be tied back into existing sidewalk with reinforcing steel as approved by the City Official.

A city official shall be responsible for inspecting the public sidewalks on a four (4) year cycle within the city or on a complaint basis. These inspections will be made to determine if any of the public sidewalks within the city are defective as previously defined.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

**SECTION V. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED this 17<sup>th</sup> day of March, 2025.



Eric VanKerckhove, Mayor

ATTEST:



Lenna Goodale, City Clerk

- First Reading: 1/20/25
- Second Reading: 2/18/25
- Third Reading: 3/17/25
- Final Approval Given: 3/17/25

I certify that the foregoing was published as Ordinance No. 78-2025 on March 17th, 2025.



Lenna Goodale, City Clerk