

ORDINANCE NO. 47

AN ORDINANCE PROVIDING FOR THE UNIFORM CONSTRUCTION OF SIDEWALKS
ALONG PUBLIC STREETS IN THE TOWN OF UNIVERSITY HEIGHTS, IOWA.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF UNIVERSITY HEIGHTS,
IOWA:

SECTION I. The Council may by resolution order the Construction, re-construction, or repair of permanent sidewalks along any street, highway, avenue, public ground, or market place in the municipality of University Heights, Iowa.

SECTION 2. For purposes of this ordinance, the following definitions shall apply:

- A. STREET. That property dedicated for use by the public for street purposes or any such public right-of-way used for street purposes.
- B. ROADWAY. That portion of any street right-of-way used for vehicular traffic.
- C. PARKING. That portion of the street right-of-way located between the roadway and the abutting property line.

SECTION 3. Sidewalks constructed on public property as required by this ordinance shall meet the following specifications:

- A. Construction shall be of Portland Cement Concrete, 4 feet in width, and 4 inches thick, reinforced with No. 6x6/6x6 welded wire fabric or equivalent.
- B. Construction shall conform to an appropriate grade, determined in part by the contours of the lot.
- C. The same distance between the edge of the sidewalk and the abutting property line shall be maintained at adjoining property lines on a given street, unless specifically exempted by the Councilor a designated representative of the Council. Along streets where there are no existing sidewalks, the distance between the edge of the sidewalk and the abutting property line shall be determined by the Councilor a designated representative of the Council.

SECTION 4. The Council may by resolution require sidewalks to be constructed along any street or portion thereof where sidewalks do not now exist, when in the opinion of the Council there is a need for sidewalks.

SECTION 5. Sidewalks shall be constructed in front of any previously unimproved lot or portion thereof at the time of the construction of a new residence on said property.

SECTION 6. Sidewalks shall be constructed along the side of any

given street or portion thereof if requested by the owners of over fifty percent (50%) of the lots abutting that side of the designated street or portion thereof.

SECTION 7. When the Council determines that sidewalks are necessary along any street or portion thereof, the Council shall set a public hearing on said proposed construction, which hearing shall be held at a regular monthly meeting of the Council. Notice of said hearing shall be given to the owners of each lot abutting said proposed construction, which notice shall be mailed by certified United States Mail at least fifteen (15) days before the date of said hearing, or the notice may be published twice in a newspaper having general circulation in the Town of University Heights by publication once each week for two consecutive weeks, with the last publication to be not less than ten (10) days before the date of said hearing.

SECTION 8. In the event the owners of at least seventy-five percent (75%) of the lots along said designated street or portion thereof file written objections to said proposed construction, the affirmative vote of four (4) of the five (5) Council members shall be required to pass a resolution requiring said proposed construction.

SECTION 9. When the Council passes a resolution requiring sidewalk construction as provided herein, the individual property owners shall be given an opportunity to complete such construction privately. A completion date for private construction shall be set by the Council, which date shall not be less than six (6) months from the date of the passage of the resolution requiring construction, which period of construction shall extend over a period of the year during which such construction can be reasonably performed.

SECTION 10. In the event private sidewalk construction is not completed within the period specified by the Council, construction thereof shall not thereafter be permitted, and the Council may then proceed to have said sidewalks constructed and the cost thereof assessed to the abutting property owner in accordance with the procedures established by the laws of the State of Iowa.

SECTION 11. The Council may exempt certain streets or portions thereof from sidewalk construction as it deems advisable; however, such exemptions shall not be irrevocable and shall be subject to periodic review.

SECTION 12. In the case of corner lots, the portion of the sidewalk on which no private property abutts shall be the responsibility and obligation of the Town of University Heights. In the event that portion of the construction is done privately, the owner shall be reimbursed for the expense of that portion of the construction on the same cost basis per square foot incurred by said owner.

Passed by the Town Council on this 13th day of June, 1972, and approved this 13th day of June, 1972.