

ORDINANCE NO. 697

AN ORDINANCE AMENDING THE PROTOCOL FOR THE ORDERING OF SIDEWALK REPAIRS AND PERFORMANCE BY THE CITY IN TITLE, "STREETS AND SIDEWALKS," CHAPTER 136 "SIDEWALK REGULATIONS."

WHEREAS, the West Branch City Council would like to adopt by resolution a sidewalk inspection and repair policy under the Sidewalk Regulations Chapter of the West Branch Code of Ordinances; and

WHEREAS, the West Branch City Council would like to authorize the collection of costs and expenses for this repair and maintenance in the same manner as property taxes; and

WHEREAS, the West Branch City Council would like to provide residents with a reasonable amount of time to make necessary repairs.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by deleting Section 136.05 in its entirety and replaced with the following:

136.05. PERFORMANCE BY CITY. If the property owner does not perform an action required by this chapter within a reasonable time, the council may cause such required action to be performed as outlined in the sidewalk maintenance policy as approved by the city council and assess the costs and expenses therefor against the abutting property for collection in the same manner as property taxes; provided, however, no such assessment can be made for the repair, reconstruction or replacement of the public sidewalk unless the city has served upon the person shown by the records of the Cedar County auditor or the Johnson County auditor to be the owner of the abutting property, by certified mail, a notice requiring said person to perform, reconstruct or replace the public sidewalk within ninety (90) days from the date said notice is mailed. (2000 Code § 136.03; amd. 2008 Code) (*Code of Iowa, Secs. 364.12[2d and e]*).


Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be 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 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Passed and approved this 4th day of June, 2012.

First Reading: June 4, 2012
Second Reading:
Third Reading:


Don Kessler, Mayor

ATTEST:


Matt Muckler, City Administrator/Clerk