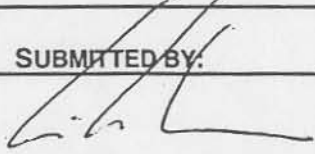


OFFICE OF THE CITY MANAGER
DES MOINES, IOWA

CITY COUNCIL COMMUNICATION 96-093
FEBRUARY 26, 1996 AGENDA

SUBJECT:	TYPE:	PREPARED BY:	SUBMITTED BY:
SIDEWALK AND BORDER AREA MAINTENANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	STEVE GUNSON ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER	 ERIC A. ANDERSON CITY MANAGER

SYNOPSIS —

An amendment is proposed that will provide additional language to current ordinances which require property owners to maintain the public sidewalk and border area abutting their property.

FISCAL IMPACT —

N/A

RECOMMENDATION —

Approval.

BACKGROUND —

A recent court ruling has indicated that liability is not clearly imposed on an abutting property owner for defects in a sidewalk unless the liability is expressly stated in a law.

The proposed amendment will add language substantially similar to a provision in the Iowa Code which imposes liability on an abutting property owner for failure to remove natural accumulations of snow and ice from a sidewalk. The effect of this language will be to explicitly express the intent to impose responsibility and liability for the proper maintenance and repair of sidewalks and border areas on the abutting property owner.

In view of this court ruling, it is important to clarify that the historic responsibility of an abutting property owner for the upkeep of sidewalks and border areas is legally tied to a financial responsibility for the failure to properly maintain them.