

**CITY COUNCIL
COMMUNICATION:**

02-642

AGENDA:

DECEMBER 16,
2002

SUBJECT:

ORDINANCE TO
EXEMPT ABUTTING
PROPERTY
OWNERS FROM
MAINTENANCE OF
MULTI-USE
RECREATIONAL
TRAILS

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

DONALD M. TRIPP
PARK AND
RECREATION
DIRECTOR

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

An ordinance to amend the municipal code to exempt abutting property owners from maintenance of multi-use recreational trails.

FISCAL IMPACT —

None.

RECOMMENDATION —

Approve ordinance change.

BACKGROUND —

Section 102-2 of the Municipal Code requires abutting property owners to maintain the border area or “parking” in a well-kept and safe condition free from defects, garbage, junk rubbish, debris, solid waste, nuisances, obstructions, or any other hazards, except as permitted otherwise in the Code. Some multi-use recreational trails cross border areas and will do so for future trails. This amendment exempts property owners from this requirement in those cases where a multi-use recreational trail crosses or otherwise utilizes the border area.

Section 102-42 of the Municipal Code requires the owner of any property abutting a public sidewalk to maintain the sidewalk in a safe condition, in a state of good repair, and free from defects. In those cases where a multi-use recreational trail crosses or otherwise utilizes a portion of the sidewalk, a property owner is exempt from this requirement under this amendment.

Section 102-89 of the Municipal Code requires the owner of property fronting on sidewalks requiring repair or removal to be assessed for the cost of that repair or removal. As in Section 102-42, this amendment exempts the property owner from this assessment for repair or removal.

Section 102-124 of the Municipal Code requires the owner of property abutting a public sidewalk to remove snow, ice, and accumulations from sidewalks within a reasonable time but in no case more than 48 hours following the cessation of the weather event. The owner of any real estate abutting a multi-use recreational trail which also serves as a

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PAGE TWO

public sidewalk bordering a public street shall only be required to remove snow, ice, and accumulations for a width of three feet upon such public sidewalk, except that the owner of any real estate abutting the Inter-Urban Trail Multi-Use Recreational Trail along Urbandale Avenue from 50th Street to 63rd Street shall be exempt from such requirement.

These changes reflect the intent of the City to relieve the abutting property owner from the maintenance of public sidewalks when such sidewalk is designated for multi-use recreational trails. During the planning stage of the Inter-Urban Trail, an agreement was reached with the citizens residing along Urbandale Avenue between 50th and 63rd Streets that, because the expanded sidewalk would serve as a portion of the trail, the City would remove all snow and ice accumulations from the sidewalk.

