

RESOLUTION NO. 49-26

A RESOLUTION ADOPTING A SIDEWALK MAINTENANCE AND COST-SHARE  
POLICY FOR THE CITY OF DYERSVILLE, IOWA

WHEREAS, Iowa Code section 364.12 assigns cities the responsibility to keep streets and sidewalks in a safe and passable condition and authorizes cities to require abutting property owners to maintain sidewalks adjoining their property; and,

WHEREAS, Iowa Code section 364.13 authorizes cities to establish, improve, and regulate sidewalks within the public right-of-way; and,

WHEREAS, Iowa Code Chapter 384 authorizes cities to assess the costs of public improvements, including sidewalk construction and repair, against benefited properties when work is performed by the City; and,

WHEREAS, the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., requires public entities to provide and maintain accessible pedestrian routes within the public right-of-way; and,

WHEREAS, Chapter 136 of the Dyersville Municipal Code establishes local requirements for sidewalk construction, maintenance, snow and ice removal, and enforcement within the City of Dyersville; and,

WHEREAS, the City of Dyersville has historically addressed sidewalk maintenance and repair through informal administrative practices rather than a unified, written policy, resulting in inconsistent application and limited guidance for property owners and staff; and,

WHEREAS, the City Council has directed staff to develop a clear, fair, and legally grounded policy to administratively implement and support the requirements of Iowa law and the Dyersville Municipal Code related to sidewalks; and,

WHEREAS, the City Administrator has prepared a comprehensive Sidewalk Maintenance and Cost-Share Policy to establish consistent standards for sidewalk inspection, maintenance, repair, construction, cost-sharing, enforcement, and accessibility compliance, while preserving all existing obligations under the Dyersville Municipal Code; and,

WHEREAS, the policy introduces a cost-share framework under which the City reimburses eligible sidewalk material costs while abutting property owners remain responsible for labor costs, thereby encouraging timely repairs, improving public safety, and reducing long-term liability exposure; and,

WHEREAS, adoption of the policy will provide transparency, predictability, and consistency for property owners, elected officials, and City staff while supporting the

City's obligations under Iowa law, local ordinance, and federal accessibility requirements; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dyersville, Iowa, that:

Section 1. The Sidewalk Maintenance and Cost-Share Policy, attached hereto and made a part of this resolution by reference, is hereby adopted as an official administrative policy of the City of Dyersville.

Section 2. The Sidewalk Maintenance and Cost-Share Policy is intended to implement, clarify, and supplement the sidewalk-related requirements of the Dyersville Municipal Code, including Chapter 136, and applicable provisions of Iowa law, and does not repeal, amend, or supersede any ordinance.

Section 3. Conflict Clause. In the event of any conflict between the provisions of the Dyersville Municipal Code and the Sidewalk Maintenance and Cost-Share Policy, the Dyersville Municipal Code shall control. The policy shall be interpreted and applied in a manner consistent with all applicable ordinances and statutes.

Section 4. Severability. If any section, subsection, sentence, clause, or provision of this resolution or the Sidewalk Maintenance and Cost-Share Policy adopted hereby is held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, which shall remain in full force and effect.

Section 5. The City Administrator is authorized and directed to administer and implement the policy, including establishing application forms, inspection schedules, administrative procedures, and internal guidelines necessary to carry out its provisions in a manner consistent with the Dyersville Municipal Code and Iowa law.

Section 6. This resolution shall be effective upon adoption.

Passed and approved this 18th day of May, 2026.

CITY OF DYERSVILLE, IOWA

By: \_\_\_\_\_  
Jeff Jacque, Mayor

ATTEST:

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Tricia L. Maiers, City Clerk