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## **SIDEWALK MAINTENANCE AND COST-SHARE POLICY**

Effective Date: May 18, 2026

## Executive Summary

The City of Dyersville, Iowa, submits this Sidewalk Maintenance and Cost-Share Policy for approval by the City Council. This marks the first comprehensive sidewalk framework in Dyersville's history, created to meet the Mayor and City Council's goal of establishing clear, consistent, and fair standards for sidewalk upkeep across the city.

**Why This Policy Is Necessary.** Dyersville has never established a formal policy for sidewalk maintenance, inspection, cost-sharing, or enforcement. For years, the City has managed sidewalk issues informally, leading to inconsistent treatment of property owners and leaving the City without a solid legal and financial foundation. Iowa Code §364.12 requires the city to keep sidewalks safe and passable. The Americans with Disabilities Act (ADA) also adds accessibility requirements. Without a policy, the City cannot reliably meet either obligation.

**What the Policy Does.** The policy introduces a straightforward, fair cost-sharing model: the City covers the cost of sidewalk materials, while property owners are responsible for labor costs. This method has been proven in Iowa communities to boost voluntary compliance, decrease enforcement actions, and foster positive relationships with property owners. Additionally, the policy sets up a five-year rotating inspection schedule, allowing the City to proactively assess sidewalks rather than only responding to complaints. Inspection data is stored in the City's asset management system, extending from the baseline inventory of over 1,200 sidewalk segments inspected in 2021.

**Fiscal Impact.** The Cost-Share Program is funded through the City's annual budget process with no fixed dollar amount established at adoption. Cost-share reimbursements are considered operating expenses. If the City implements special assessments, they are collected according to enforcement provisions and returned to the City via the County Treasurer. The policy creates a financially responsible framework that safeguards taxpayers while assisting property owners in meeting their obligations.

**Council Action Requested.** The City Administrator recommends that the City Council adopt this policy by resolution and direct staff to implement the program within ninety days of adoption.

This policy creates the City of Dyersville's first comprehensive framework for sidewalk maintenance, repair, replacement, and new construction within the City's public rights-of-way. It introduces a cost-share program to assist property owners, clarifies the responsibilities of both the City and abutting property owners, establishes a proactive inspection program, and provides clear procedures for construction standards, enforcement, and assessments.

This document serves as a standalone public reference that property owners, elected officials, and city staff can use without needing specialized legal or technical knowledge.

## **Section 1. Purpose and Authority**

The City of Dyersville, Iowa (the "City") adopts this Sidewalk Maintenance and Cost-Share Policy to establish clear, consistent standards for the installation, maintenance, repair, and enforcement of public sidewalks throughout the community. This policy reflects the City's commitment to safe, accessible, well-maintained pedestrian infrastructure and to fairly partnering with property owners to achieve those goals.

This policy is adopted under the authority of Iowa Code § 364.12, which assigns the responsibility for streets, sidewalks, and public grounds to the City and grants it the authority to require property owners adjoining these areas to maintain sidewalks in a safe and passable state. Iowa Code § 364.12(2)(b) provides the legal basis for snow and ice removal obligations. Iowa Code § 364.13 authorizes the City to establish and improve sidewalks. Iowa Code Chapter 384 governs the City's authority to impose special assessments for public improvements, including sidewalk construction and repairs carried out by the City after property owners fail to comply.

The Americans with Disabilities Act (ADA), 42 U.S.C. §12131 et seq., mandates that public rights-of-way be accessible to people with disabilities and imposes affirmative responsibilities on the City as a public entity to provide and uphold accessible pedestrian pathways. The Public Right-of-Way Accessibility Guidelines (PROWAG) set the standards for accessibility in the public right-of-way, and the Statewide Urban Design and Specifications (SUDAS) Design Manual, Chapter 12 (Pedestrian and Bicycle Facilities), incorporates current federal accessibility standards and details the Iowa design and construction requirements for sidewalks, curb ramps, and accessible pedestrian features.

Where applicable, the Dyersville Municipal Code — including Chapter 136, which governs sidewalk maintenance obligations — supplements and informs this policy. In cases of conflict between this policy and an applicable ordinance, the ordinance takes precedence. This policy does not override or alter any provisions of the Dyersville Municipal Code but functions alongside it as an administrative framework.

This is the first comprehensive sidewalk policy officially adopted by the City of Dyersville. It replaces any previous administrative practices or informal guidelines related to cost-sharing or sidewalk enforcement that conflict with this framework.

## Section 2. Definitions

For purposes of this policy, the following terms have the meanings stated below. When a term appears in this policy with its initial letter capitalized, it has the meaning assigned in this section.

**Abutting Property Owner.** Consistent with Iowa Code §364.12(1), the contract purchaser, if there is one of record, otherwise the record holder of legal title to real property that shares a boundary with a public right-of-way that contains or is designated to contain a public sidewalk.

**Approved Contractor.** A contractor that has met the City's qualifications, insurance, bonding, and licensing requirements and has been placed on the City's Approved Contractor list for sidewalk construction and repair.

**Capital Improvement Project (CIP).** A planned, funded public infrastructure project is included in the City's adopted Capital Improvement Plan.

**City.** The City of Dyersville, Iowa, acting through the City Administrator, Public Works Director, City Engineer, and/or other designated officials.

**Cost-Share Program.** The program established in Section 8 of this policy provides that the City reimburses eligible material costs for sidewalk repair, replacement, or installation projects undertaken by Abutting Property Owners, with labor costs paid by the property owner.

**Defective Sidewalk.** A sidewalk panel or section showing one or more of the following issues: (1) vertical displacement between adjacent panels greater than one-half inch; (2) horizontal separation creating a gap of ½ inch or greater or edge hazard; (3) crumbling, spalling, or surface deterioration that poses a tripping hazard or drainage problem; (4) tree root heaving displacing panels or creating vertical relief over one-half inch; (5) standing water due to inadequate or failed drainage; (6) missing panels; (7) cross-slope exceeding two percent; or (8) curb ramps that does not exist or meet current ADA and SUDAS accessibility standards.

**Fiscal Year.** The City's fiscal year, which runs from July 1 through June 30.

**Infill/Gap Project.** A City-initiated project to construct a new sidewalk segment that closes a gap in the pedestrian network, connects existing sidewalk segments, or extends the network to serve schools, parks, public facilities, or commercial areas.

**Public Right-of-Way.** The area of publicly owned or dedicated land is reserved for street, sidewalk, and utility purposes.

**Repair Period.** The time following a written notice from the City during which a property owner must complete required sidewalk repairs. The Repair Period shall not exceed ninety (90) days from the date of the notice unless the City Administrator grants a written extension for good cause as provided in Section 11.

**Sidewalk.** A paved pedestrian path within the public right-of-way, built from Portland Cement Concrete (PCC) or an approved similar material, meant for public pedestrian use.

**Standard Width Sidewalk.** A sidewalk that meets the minimum width requirements set by this policy is four (4) feet in existing Neighborhood Conservation Overlay District areas and five (5) feet for all new construction, consistent with ADA and SUDAS standards, unless otherwise determined by city staff. When sidewalks are less than sixty (60) inches wide, a passing area at least sixty (60) inches wide by sixty (60) inches long must be provided at a maximum of every two hundred (200) feet, in line with SUDAS Section 12A-2.

**SUDAS.** Statewide Urban Design and Specifications, the current design and construction standard for public infrastructure in Iowa, as amended from time to time. The SUDAS Design Manual Chapter 12 (Pedestrian and Bicycle Facilities) is the primary technical reference for this policy.

**Trail System.** Paved pedestrian pathways that are over six (6) feet wide are part of the City's official trail and recreational network. The city is fully responsible for the capital and upkeep of the trail system.

### **Section 3. Applicability**

This policy applies to all public sidewalks located within the City limits of Dyersville, Iowa, whether existing or proposed. It applies to all Abutting Property Owners, whether the property is residential, commercial, institutional, or vacant. It applies to all City departments involved in sidewalk inspection, repair, construction, or enforcement, and to all contractors performing sidewalk work within the City's right-of-way.

Sidewalks along City-owned property are subject to the same standards, with the City serving as the Abutting Property Owner and leading by example in maintenance and compliance, consistent with Iowa Code § 364.12(4).

Areas annexed into the City following adoption of this policy become subject to its provisions upon annexation, with new sidewalk requirements applying to development or redevelopment in those areas. Existing development in newly annexed areas is not required to install sidewalks immediately upon annexation, but sidewalks must be installed when the property undergoes substantial redevelopment, subdivision, or change of use requiring site plan approval.

This policy does not apply to private sidewalks or pedestrian pathways located entirely on private property and not forming part of the public sidewalk network. Questions about whether a specific pathway is part of the public sidewalk network will be resolved by the Public Works Director in consultation with the City Administrator.

## Section 4. Property Owner Responsibilities

Iowa Code §364.12 assigns Abutting Property Owners the duty to keep sidewalks safe and passable. This policy does not lessen or replace that legal obligation. The following responsibilities apply to all Abutting Property Owners.

**Maintenance and Repair.** Each Abutting Property Owner shall keep the sidewalk in front of their property in a structurally sound, safe, and passable condition, free of defects that pose a tripping hazard, drainage issue, or accessibility barrier. Property owners are encouraged to fix minor defects as they appear, rather than waiting for a City inspection or notice.

**Snow and Ice Removal.** Each property owner is responsible for clearing snow and ice from the sidewalk adjacent to their property, following Iowa Code §364.12(2)(b) and Section 136.15 of the Dyersville Municipal Code. In Dyersville, “reasonable time” for snow and ice removal is defined as twenty-four (24) hours after a snow or ice event ends. Snow and ice removed from sidewalks cannot be placed on City streets. Property owners must treat icy conditions to ensure safe passage. Failure to remove snow and ice promptly may result in a separate code violation, and the City may remove snow and ice without prior notice and bill the property owner.

**No Obstruction.** No property owner shall obstruct, encroach upon, or block the public sidewalk with landscaping, hedges, overhanging vegetation, fencing, structures, vehicles, trash containers, construction materials, or other objects that impede pedestrian passage or reduce the effective width of the sidewalk below minimum standards. Planters, signs, awning supports, or similar objects within the right-of-way require prior written approval or a permit from the City.

**Tree and Landscaping Damage.** An adjacent property owner is responsible for repairing sidewalk damage caused by trees, shrubs, roots, irrigation systems, or downspout discharge on or near their property, unless the damage results from a City-owned tree that is dead or diseased, or City infrastructure as described in Section 5. If there is a dispute over the responsible party for a tree, the City Administrator will make a decision based on available evidence.

**Contractor and Agent Damage.** If a contractor, agent, or utility working under the direction of the property owner damages a public sidewalk during construction or other work, the Abutting Property Owner is responsible for repairing the sidewalk to City standards within thirty (30) days of the damage, or as otherwise directed by the City.

**Liability.** Property owners may be held responsible for injuries or damages caused by defective sidewalks next to their property if the defect results from the owner’s failure to maintain the sidewalk or to follow repair requirements under this policy or Iowa Code §364.12.

## Section 5. City Responsibilities and Exceptions

While Abutting Property Owners carry primary maintenance responsibility under Iowa Code §364.12, the City assumes full financial responsibility — and the Cost-Share Program does not apply — in the following circumstances. The City will repair or replace the affected sidewalk at one hundred percent (100%) City expense in each of these situations.

**City-Caused Damage.** When sidewalk damage is directly caused by a city-owned tree that is dead or diseased, a city utility installation or repair (including water main, sanitary sewer, storm sewer, or utility cut), or other city infrastructure, the city will repair the damaged sidewalk at its expense. The property owner should report suspected city-caused damage to the Public Works Department. Staff will investigate and provide a written determination within thirty (30) days of receiving a written report.

**Capital Improvement Projects.** When a sidewalk is damaged, disturbed, or removed during a City Capital Improvement Project, the City shall include sidewalk repair or replacement in the project scope at 100% City expense.

**ADA Curb Ramp Installation and Upgrades.** The City assumes full financial responsibility for installing, replacing, or upgrading ADA-compliant curb ramps at street intersections within the public right-of-way, as mandated by the Americans with Disabilities Act, 42 U.S.C. §12131 et seq. The Cost-Share Program does not cover curb ramp work. Detectable warning surfaces (truncated domes) at curb ramps are part of the City's ADA obligations and are not charged to property owners.

**Overwidth Sidewalks.** When the standard sidewalk width for a specific location is five (5) feet for new construction or four (4) feet for replacement in constrained areas, and an existing sidewalk exceeds six (6) feet in width (excluding those that are part of the City's designated trail system), the City covers the additional cost for repairing or replacing the portion wider than the standard. The Abutting Property Owner is responsible for the cost of the standard-width section.

**City-Owned Property Frontage.** The City shall maintain sidewalks abutting city-owned property — including parks, public buildings, City Hall, the Public Works facility, and other municipal properties — to the same or higher standard required of private property owners. The City leads by example, consistent with Iowa Code §364.12(4).

**Trail System.** Paved pedestrian pathways that are part of the City's designated trail system and are wider than six (6) feet are the full responsibility of the City for maintenance and capital improvements.

## Section 6. Sidewalk Inspection Program

The City will conduct a proactive, systematic inspection of public sidewalks on a rotating five (5)-year cycle. The City Administrator and Public Works Director will establish inspection areas.

**Inspection Authority and Staffing.** Public Works staff are responsible for conducting inspections under this program. Inspections will be recorded in the city's asset management system, which serves as the official record of sidewalk condition, inspection history, and enforcement actions. No additional full-time equivalent (FTE) positions are anticipated because of this program; inspections will be integrated into the existing duties of Public Works staff.

**Inspection Criteria.** Staff will evaluate each sidewalk panel or section for defects defined in the "Defective Sidewalk" section, including vertical displacement exceeding half an inch; horizontal separation; crumbling, spalling, or surface deterioration; tree root heaving; standing water or drainage issues; missing panels; and failure to meet ADA cross-slope or curb ramp standards. Panels meeting these criteria will be flagged for repair or replacement, documented with photographs, and recorded in the city's asset management system.

**Owner Notification.** When a defect is found through City inspection — rather than an owner-initiated application — the City will send written notice to the Abutting Property Owner by certified mail to the address listed in the records of the County Auditor, in accordance with Iowa Code §364.12(2)(d). The notice will detail the location and nature of the deficiency, cite the relevant authority (Iowa Code §364.12 and this policy), specify the Repair Period deadline, provide information about the Cost-Share Program including how to apply, and identify a City staff contact for questions.

**Re-Inspection and Closure.** City staff will re-inspect the identified defect after the Repair Period ends. If the repair has been completed and passes inspection, the case will be closed and the record updated in the city's asset management system. If the repair has not been completed, enforcement procedures under Section 11 will be initiated.

**Owner-Initiated Requests.** Property owners can request a sidewalk inspection at any time by reaching out to the Public Works Department. A staff member will perform the inspection and notify the owner of the results within a reasonable timeframe. Owner-initiated inspections conducted outside the scheduled zone cycle do not impact the owner's eligibility for the Cost-Share Program.

## Section 7. Sidewalk Condition Data

As of the latest comprehensive inspection cycle (2021), City staff evaluated over 1,200 sidewalk segments throughout Dyersville using the city's asset management system. The Overall Condition Index (OCI) ratings ranged from Poor (scores below 25) to Fair, Average, Good, and Excellent (scores above 80). Deficiencies identified in the field

included faulting, spalling, cracking, water ponding, tree root damage, and slope issues. The most common sidewalk widths in existing neighborhoods are four (4) feet, with newer sections at five (5) and six (6) feet. The inventory data from the 2021 inspection cycle will serve as the baseline for the five-year inspection program established by this policy.

## **Section 8. Cost-Share Program — Repair and Replacement**

The City of Dyersville introduces a Cost-Share Program to help Abutting Property Owners with sidewalk repairs, replacements, or new installations on their frontage by sharing the costs. The program's core is: the City covers the cost of eligible materials, while the property owner is responsible for labor.

**How the Program Works.** A property owner starts by submitting a completed application to City Hall. City staff will inspect the site, verify eligibility, determine the scope of work, and issue a written approval or denial within thirty (30) calendar days of receiving a complete application. Once approved, the property owner hires a contractor. The contractor then performs the work according to City specifications. A pre-pour inspection is required before any concrete is poured (see Section 10). After completing the project, the property owner submits copies of all receipts for reimbursement and proof that the work was completed. City staff will conduct a final inspection. Once the project passes inspection, the City will reimburse the property owner for documented material costs, up to the annual per-project cap.

**Eligible Materials.** The City will reimburse documented costs for the following materials: concrete mix; aggregate base material; formwork and form release; steel rebar or fiber reinforcement; expansion joint material; detectable warning surface panels (at driveways or locations where ADA compliance requires them); and other materials identified by City staff as necessary for code-compliant sidewalk construction. Labor, equipment rental, removal and disposal of existing sidewalk, grading, forming, and finishing are the property owner's financial responsibility.

**Annual Budget Allocation.** The City will fund the Cost-Share Program through an annual appropriation established during the City's regular budget process. The amount allocated each fiscal year will depend on available resources, projected demand, and community priorities. Funding sources will be determined by the City Council during the budget process. Applications will be processed on a first-come, first-served basis until funds are exhausted. Applications received after that will be placed on a waiting list for the next fiscal year, unless the City Council approves a supplemental appropriation.

**Eligibility Requirements.** To qualify for the Cost-Share Program, the following conditions must be met: the property must border a public sidewalk or a designated sidewalk gap area within City limits; the application must be submitted by the record owner (tenant applications need written authorization from the record owner); and the property owner must be in good standing with the City, meaning no outstanding code violations, overdue property taxes, or unpaid special assessments as of the application

date. The City Administrator may waive the good-standing requirement for good cause on a case-by-case basis.

**Minimum Project Size.** Projects involving less than twenty-five (25) square feet of sidewalk repair or replacement may not qualify for the Cost-Share Program. Minor isolated defects below this threshold should be repaired by the property owner at their own expense, consistent with their obligation under Iowa Code §364.12. The Public Works Director may waive the minimum size requirement if a safety hazard exists or if the project is part of a larger eligible repair.

**Application Window and Work Deadline.** Applications are accepted throughout the year. All approved work must be substantially completed and ready for the final City inspection by October 31 of the relevant fiscal year to qualify for reimbursement from that year's budget. Work finished after October 31 may still be eligible for reimbursement in the next fiscal year, depending on funding availability and re-confirmation of the original approval.

**Priority Ranking When Demand Exceeds Funding.** If the number of eligible applications surpasses available funding in a given fiscal year, staff will rank unfunded applications based on the following order: (1) sidewalks with ADA deficiencies or trip hazards that pose an imminent public safety risk; (2) sidewalks with the most severe structural deterioration; (3) sidewalks along designated safe routes to schools, near parks, or next to major public facilities; and (4) date of application, with earlier applications given priority over later ones.

## **Section 9. New Sidewalk Construction Requirements**

**New Development and Subdivision.** Any new subdivision or development within the City limits may be required to install sidewalks on all street frontages. New sidewalks must meet the construction standards in Section 10 and must pass a City inspection before the City assumes maintenance responsibility. Unless a development agreement states otherwise, the developer is responsible for all labor costs, and the City's Cost-Share Program material reimbursement may be applied on the same terms as for existing property owners, subject to available funding. The City may negotiate alternative arrangements in development agreements for large-scale projects, including different cost structures or cash payments in lieu of sidewalk construction.

**Infill and Gap Projects — City-Initiated.** Where the City identifies gaps in the pedestrian network — particularly along safe routes to schools, parks, commercial areas, or other public destinations — the City may initiate infill construction independent of a property owner application. These projects may be funded through federal or state grants, or through local funds.

**Annexation Areas.** The City Council may require sidewalks on properties within annexed areas during development or redevelopment.

## Section 10. Construction Standards

All sidewalk construction and repair work within the City's right-of-way must meet the following minimum standards. These standards align with the Americans with Disabilities Act (ADA), 42 U.S.C. §12131 et seq., the SUDAS Design Manual Chapter 12, SUDAS Standard Specifications, and City specifications. When SUDAS provides a more stringent standard, that standard takes precedence.

**Width.** New sidewalk construction shall be at least five (5) feet wide, in accordance with SUDAS Section 12A-1 and ADA standards for accessible routes in the public right-of-way. A five-foot sidewalk can accommodate two people walking side by side and allows space for snow, landscaping, and adjacent features. Under constrained conditions — such as a narrow right-of-way, mature trees, existing curb placement, or other documented physical limitations — a minimum width of four (4) feet may be approved by the City Administrator for replacement projects.

**Sidewalk Classification.** The City recognizes three classes of sidewalk consistent with SUDAS Section 12A-1: Class A sidewalks begin at the back of curb and are typical in downtown areas; Class B sidewalks are constructed with the back edge one (1) foot or more off the right-of-way line, with a planting strip between curb and sidewalk; and Class C sidewalks have the back edge on the right-of-way line, also with a planting strip. The appropriate class for each project will be determined by the Public Works Director based on the existing streetscape, available right-of-way, and neighborhood context.

**Concrete Specifications.** Concrete must meet the following minimum specifications: compressive strength of three thousand five hundred (3,500) psi at twenty-eight (28) days (four thousand (4,000) psi preferred); air entrainment of five to seven percent (5%–7%) for freeze-thaw durability consistent with Iowa climate conditions and SUDAS Standard Specifications. Minimum thickness shall be four (4) inches, and six (6) inches at driveway crossings and heavy vehicle loading areas, consistent with SUDAS Section 12A-1. Fiber reinforcement or deformed steel rebar may be required at the direction of the Public Works Director based on site-specific conditions such as poor subgrade, high traffic, or tree root pressure.

**Subgrade and Base.** The subgrade shall be compacted to a minimum of ninety-five percent (95%) standard Proctor density. A minimum four (4)-inch aggregate base course is required beneath all new sidewalk panels unless the Public Works Director approves an alternative based on documented soil conditions. Unsuitable or organic soils must be removed and replaced with approved fill material. Proper drainage must be ensured to prevent water accumulation beneath the sidewalk.

**Joints.** Contraction joints (control joints) shall be tooled or sawn at intervals not exceeding the width of the sidewalk, or five (5) feet on center, to a depth of at least one-quarter of the slab thickness. Expansion joints shall be placed at intervals not exceeding twenty (20) feet and at all fixed objects (utility poles, fire hydrants, building foundations, etc.), using pre-molded expansion joint filler. All joint work shall be performed consistently with SUDAS specifications.

**Slope and Accessibility.** Cross-slope shall not exceed two percent (2%) measured perpendicular to the direction of travel, consistent with PROWAG and SUDAS Section 12A-2. The running slope shall follow the natural grade of the adjacent street. Where the running slope exceeds five percent (5%), the design must be reviewed against current SUDAS accessibility guidelines and may require handrails and ADA ramp standards. ADA-compliant detectable warning surfaces (truncated domes) in a contrasting color are required at all curb ramps, consistent with SUDAS Section 12A-2. Curb ramps must meet a maximum running slope of 8.33 percent (1:12 ratio) with a minimum four-foot by four-foot level landing at the top of the ramp and a minimum four-foot clear width.

**Restoration.** All areas disturbed during construction — including turf, landscaping, driveways, and adjacent surfaces — must be restored to their pre-construction condition or better. Temporary sod or seed is acceptable pending final turf establishment, but bare soil shall not be left exposed without protective ground cover at project close-out. Final restoration is the responsibility of the property owner or developer unless otherwise agreed in writing.

**Inspection and Acceptance.** No work will be accepted by the City or reimbursed under the Cost-Share Program unless it passes City inspection. The property owner or contractor must notify City staff at least forty-eight (48) hours prior to any concrete pour to allow a pre-pour inspection of forms, subgrade preparation, and reinforcement. A final inspection will be conducted after the concrete has cured to the satisfaction of City staff. Work that fails to meet City specifications must be corrected before reimbursement will be authorized.

## **Section 11. Enforcement and Assessment**

When a property owner fails to repair a Defective Sidewalk within the Repair Period specified in a notice issued under Section 6, the City will take the following enforcement actions. Enforcement is a last resort; the City prefers to help property owners use the Cost-Share Program before performing work and assessments.

**Step 1 — Written Notice.** The City sends a written notice to the Abutting Property Owner by certified mail to the address listed in the County Auditor's records, consistent with Iowa Code § 364.12(2)(d). The notice describes the deficiency by location and type, cites Iowa Code §364.12 and this policy as authority, states the deadline for the Repair Period, and provides information about the Cost-Share Program. The notice must be sent before the Repair Period begins.

**Step 2 — Repair Period.** The property owner has up to ninety (90) days from the notice date to complete the necessary repairs and contact the City for re-inspection. The property owner is encouraged to apply for the Cost-Share Program during this time if they have not already done so.

**Step 3 — Extension.** The City Administrator may grant a written extension of the Repair Period for documented good cause, including adverse weather conditions that

hinder construction, documented contractor unavailability, or verified financial hardship. Extensions are at the City Administrator's discretion and will be granted in writing. Extension requests must be submitted before the original Repair Period ends and must include supporting documentation.

**Step 4 — City Performance of Work.** If the property owner does not complete the required repair within the Repair Period as extended, the City may perform the repair or hire a qualified third party to perform it, as authorized by Iowa Code § 364.12(2)(e). The City will give advance written notice to the property owner before starting work, indicating the expected start date, unless an emergency — such as an immediate tripping hazard, ADA barrier, or safety risk — demands urgent action. The City is not obligated to use the cost-share model for enforcement-driven repairs; the full cost of City-initiated work is charged to the property.

**Step 5 — Special Assessment.** The full cost of work performed or contracted by the City under Step 4 will be assessed against the property as a special assessment in accordance with Iowa Code §364.12(2)(e) and Iowa Code Chapter 384. The assessment will include documented costs for materials, labor, engineering review, inspection, and reasonable administrative overhead. The City will follow the notice and hearing procedures required by Iowa Code Chapter 384 before certifying the assessment to the County Treasurer of the county where the property is located. Once certified, the assessment will be collected with the property's annual tax installments. Interest on unpaid assessments will accrue at the rate specified by Iowa law. The assessment becomes a lien on the property once certified. In accordance with Iowa Code § 364.12(7), the City may accumulate individual sidewalk repair assessments and periodically certify them to the County Treasurer under one or more assessment schedules.

**Step 6 — Appeal of Assessment.** A property owner can appeal an assessment to the Dyersville City Council by submitting a written appeal to the City Clerk within thirty (30) days of receiving the assessment notice. The City Council will then set a public hearing and deliver a written decision within forty-five (45) days of getting the appeal. The property owner can contest facts about whether the deficiency existed, if notice was properly given, if the work was done correctly, or if the cost is unreasonable. The City Council's decision is final unless the owner files an appeal in district court following Iowa Code procedures for judicial review of municipal actions.

## **Section 12. ADA Compliance**

The City of Dyersville is dedicated to providing a fully accessible pedestrian network in accordance with its obligations under the Americans with Disabilities Act, 42 U.S.C. §12131 et seq. As a public entity, the City is fully responsible for funding the installation and upgrades of ADA-compliant curb ramps at street intersections within the public right-of-way.

All new sidewalk construction — whether City-initiated, developer-installed, or owner-installed through the Cost-Share Program — must meet current ADA and SUDAS

accessibility standards at the time of construction. This includes a maximum two percent (2%) cross-slope, ADA-compliant running slopes, detectable warning surfaces (truncated domes) at curb ramps, and firm, stable, slip-resistant surfaces consistent with PROWAG requirements (R302.7) as referenced in SUDAS Section 12A-2.

When deficiencies in existing curb ramps or accessible routes are identified through inspection, citizen complaint, or City-initiated review, the City will prioritize correction based on the severity of the access barrier and the volume of pedestrian use at the location. The City Administrator and/or Public Works Director will coordinate ADA curb ramp corrections with ongoing CIP projects and road resurfacing work to maximize cost efficiency.

## **Section 13. Financial Provisions**

All fiscal matters related to this policy are governed by the following framework, consistent with Iowa Code Chapter 384 and the City's annual budget process.

**Source of Funds.** The Cost-Share Program will be funded through an annual allocation from local funds as established during the City's yearly budget process. Large CIP sidewalk projects may receive funding from local sources, federal or state grants, Tax Increment Financing (TIF) when applicable, or other suitable funding options.

**Budgeted vs. Unbudgeted.** The annual Cost-Share Program allocation is a budgeted operating expenditure. Applications received after funds are exhausted will be deferred to the next fiscal year or placed on a waiting list. Unplanned emergency sidewalk repairs made necessary by imminent safety conditions may be addressed using local funds approved by the City Council.

**Operating vs. Capital.** Reimbursements made under the Cost-Share Program for the repair and replacement of existing sidewalks are operating expenditures. New sidewalk installation undertaken as part of CIP projects is a capital expenditure.

**Downstream Impacts.** New sidewalk construction — whether City-initiated or installed through the Cost-Share Program — increases the City's long-term maintenance obligations. The City will track all sidewalk assets, condition data, and maintenance history in the asset management system and incorporate projected sidewalk lifecycle replacement costs into long-range financial planning and the annual budget process. Installation of additional sidewalks may also impact the City's liability exposure; the City manages this risk through proactive inspection, timely maintenance, enforcement of property owner obligations, and adequate liability insurance coverage.

## **Section 14. Public Engagement and Communication**

The City will sincerely strive to communicate the Sidewalk Maintenance and Cost-Share Program clearly and accessibly to all property owners and the general public.

Program information, eligibility requirements, application forms, the Approved Contractor list, and this policy will be posted on the City's website and kept up to date. The City may use utility bill inserts and City social media channels to announce the program, remind property owners of upcoming application deadlines, and promote the current fiscal year's inspection zone.

Application forms will be available at City Hall during regular business hours and on the City's website for download and submission. City staff will be available to answer questions about the program, assist property owners with the application process, and arrange site consultations for owners who want guidance before hiring a contractor.

All program information, forms, and notices are available in accessible formats upon request. Property owners with disabilities who require assistance or accommodation in participating in the Cost-Share Program or complying with sidewalk requirements should contact the City Clerk or City Administrator.

## **Section 15. Administration and Appeals**

**Overall Administration.** The City Administrator oversees the overall management and interpretation of this policy, including addressing questions about program eligibility, enforcement decisions, or policy implementation. The Public Works Director manages daily program operations, such as reviewing applications, inspecting sites, processing reimbursements, making enforcement referrals, and maintaining records in the asset management system.

**Interpretation.** Questions regarding policy interpretation will be answered in writing by the City Administrator. Interpretive decisions that impact multiple property owners or that address issues not clearly answered by the policy text will be documented and available upon request.

**Appeals — Staff Decisions.** A property owner who disagrees with a staff determination — including denial of a Cost-Share application, a finding that completed work does not meet City specifications, or a preliminary enforcement determination — may submit a written appeal to the City Administrator within twenty (20) calendar days of the staff decision. The City Administrator will review the appeal, may request additional information, and will issue a written decision within twenty (20) business days of receiving a complete appeal.

**Appeals — City Administrator Decisions.** If the property owner is not satisfied with the City Administrator's decision on a staff appeal, they may appeal to the City Council within twenty (20) calendar days of the City Administrator's written decision. The City Council will schedule a hearing and issue a written decision. Assessment appeals are governed separately by Section 11, Step 6 of this policy and by Iowa Code Chapter 384.

**Conflict with Other Ordinances.** In the event of a conflict between this policy and other provisions of the Dyersville Municipal Code, the Dyersville Municipal Code provisions shall govern. This policy does not repeal or supersede existing ordinances.

## **Section 16. Effective Date and Periodic Review**

This policy becomes effective once adopted by resolution of the Dyersville City Council. It overrides any previous City policies, guidelines, or practices related to sidewalk maintenance, cost-sharing, inspection, or enforcement that conflict with this framework.

The City Administrator will review this policy at least every five (5) years and present recommended updates to the City Council as needed to reflect changes in Iowa law, ADA requirements, SUDAS standards, construction material costs, or local conditions. This policy may be amended at any time by resolution of the City Council. Minor administrative updates — such as adjusting application forms, updating contact information, or clarifying procedures that do not change substantive policy provisions — may be made by the City Administrator without City Council action.

**Severability.** If any provision of this policy is found invalid by a court of competent jurisdiction, the remaining provisions remain in full force and effect. The City Council declares that it would have adopted this policy and each section, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, sentences, clauses, or phrases may be declared invalid.