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# NEWS RELEASE

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## City Amends Sidewalk Ordinance

DUBUQUE, Iowa – On Sept. 2, Dubuque City Council members amended a section of City of Dubuque ordinance addressing sidewalk repair and liability. The amended ordinance shifts financial liability to property owners in most cases when people are injured as the result of a defective sidewalk.

Prior to the amendment, the City was able to delegate responsibility for sidewalk repair to the abutting property owner by ordinance, but not delegate liability to the abutting property owner for failure to repair a sidewalk that results in injury. A recent ruling by the Iowa Supreme Court held that cities may now delegate such liability by ordinance.

According to the amended City of Dubuque ordinance, the abutting property owner must maintain the area from the back of the curb to the right of way line, and must keep such area in a safe condition free from defects, debris, nuisances, obstructions or any other hazard. The abutting property owner is also liable for damages caused by failure to maintain such area. If sidewalk repairs are necessary and the abutting property owner does not make the repairs, the City can legally make the repairs and assess the cost to the abutting property owner.

Because the City of Dubuque has a statutory duty under the Iowa Code to keep sidewalks in good repair, the City could still be held jointly liable with the property owner if the City had actual knowledge or constructive notice that a sidewalk was defective prior to an injury taking place. However, in the absence of such knowledge or notice, the abutting property owner would be primarily liable for any injury resulting from the failure to maintain the sidewalk.

The number of sidewalk injury cases in Dubuque varies from year to year. Injuries most commonly result from elevation shifts in sidewalks, which increase the likelihood of tripping. Failure to promptly remove natural accumulations of snow or ice from a walkway also could lead to potential liability for an abutting property owner.

The City of Dubuque Engineering Department conducts sidewalk inspections each spring, summer, and fall as part of its Sidewalk Inspection Program and responds to complaints. Engineering staff inspect public and residential area sidewalks for tripping hazards such as vertical or horizontal separations, holes, cracks, and raises or depressions.

Following inspections, abutting property owners are notified by certified mail of any defective conditions in the sidewalks and driveway approaches and the date by which repairs must be completed. Licensed, insured contractors may perform repairs, or property owners may perform the work themselves. In either instance, City of Dubuque Standard Specifications must be complied with, and a permit obtained.

For information on hazardous sidewalks, standards, and the Sidewalk Inspection Program, visit [www.cityofdubuque.org/sidewalks](http://www.cityofdubuque.org/sidewalks) or call 563-589-4270.

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