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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 136 SIDEWALK REGULATIONS §136.02 DEFINITIONS "DEFECTIVE SIDEWALK"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 136, Section 136.02 Definitions, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

A. Vertical separations equal to ~~three-fourths (¾)~~ one (1) inch or more.

B. Horizontal separations equal to ~~one-half (½)~~ one (1) inch or more.

C. Holes, missing sections or depressions equal to ~~three-fourths (¾)~~one (1) inch or more in depth and at least four (4) inches in diameter.

D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to ~~one-half (½)~~ one (1) inch or more.

E. ~~Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (¾) inch or more~~Sloping from side to side in excess of one (1) inch per foot.

F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

G. ~~A sidewalk with any part thereof missing to the full depth.~~Raised or depressed sections of sidewalk more than three (3) inches above or below design or construction elevation.

~~H. A change from the design or construction grade equal to or greater than three-fourths (¾) inch per foot.~~

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SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 15th day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 15th day of February, 2017, and was posted as Ordinance No. _____ on the _____ day of February, 2017.

_____
Kelly Kornegor, City Clerk