NO CHANGES FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 18, 2024

ITEM: Amendment to City Code – Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 2 (Definitions), to add the definitions of abutting property owner and right-of-way to help clarify the responsibility of the property owner which abuts public right-of-way.

Ordinance: Approval of Second Reading, Waive Third Reading and Adopt Ordinance Amendment

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Currently, the City Code defines responsibilities of the abutting property owner to maintain all parking terrace and sidewalks. However, the City Code does not currently define abutting property owner or right-of-way. Staff is initiating an amendment to the chapter and section identified below in Title 7 (Public Ways and Property) to clarify the responsibility of the property owner which abuts public right-of-way.

Specifically, the following changes are proposed with this request:

- Title 7: *Public Ways and Property*
  - Chapter 1: *Streets, Sidewalks and Alleys,* Section 2 *Definitions*, to add the definitions of "abutting property owner" and "right-of-way" to help clarify the responsibility of the property owner which abuts public right-of-way.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: City Staff recommends the City Council approve the second reading, waive the third reading of the amendment to City Code, Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 2 (Definitions) and adopt in final form.

Lead Staff Member: Jessica D. Grove, Deputy City Attorney

STAFF REVIEWS:

Department Director	Greta Truman, City Attorney
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Greta Truman, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published		
Letter sent to surrounding property owners		

SUBCOMMITTEE REVIEW (if applicable)

Committee	Community Compliance Subcommittee		
Date Reviewed	January 16, 2024		
Recommendation	Yes ☒	No ☐	Split ☐

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2024, BY AMENDING TITLE 7, (PUBLIC WAYS AND PROPERTY), CHAPTER 1, (STREETS, SIDEWALKS AND ALLEYS).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 2 (Definitions) is hereby amended by inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

For use in this chapter the following term is defined:

ABUTTING PROPERTY OWNER: The owner of property which is immediately adjacent to the public right-of-way, regardless of the number of parcels which make up the right-of-way.

RIGHT OF WAY: an area of land, the right to possession of which is secured or reserved by public ownership or easement by the state or a governmental subdivision for roadway purpose.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the 18th day of March, 2024, and approved this 18th day of March, 2024.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan T. Jacobson , City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2024, and was published in the Des Moines Register on __ _____, 2024.

_____
Ryan T. Jacobson, City Clerk