

**Senate File 2146 - Introduced**

SENATE FILE 2146  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1118)

**A BILL FOR**

1 An Act relating to the responsibility and liability of property  
2 owners for public places in cities, prohibiting fines,  
3 and including effective date and retroactive applicability  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 364.12, subsection 2, paragraphs b, c, and  
2 e, Code 2026, are amended to read as follows:

3 b. The abutting property owner is responsible for the removal  
4 of the natural accumulations of snow and ice from the sidewalks  
5 within a reasonable amount of time and may be liable for  
6 damages caused by the failure of the abutting property owner  
7 to use reasonable care in the removal of the snow or ice.  
8 If damages are to be awarded under this section against the  
9 abutting property owner, the claimant has the burden of proving  
10 the amount of the damages. To authorize recovery of more than  
11 a nominal amount, facts must exist and be shown by the evidence  
12 which that afford a reasonable basis for measuring the amount of  
13 the claimant's actual damages, and the amount of actual damages  
14 shall not be determined by speculation, conjecture, or surmise.  
15 All legal or equitable defenses are available to the abutting  
16 property owner in an action brought pursuant to this paragraph.  
17 The city's general duty under this subsection does not include  
18 a duty to remove natural accumulations of snow or ice from the  
19 sidewalks. However, when the city is the abutting property  
20 owner it has the specific duty of the abutting property owner  
21 set forth in this paragraph. A city shall not assess a fine  
22 against an abutting property owner for failure to comply with  
23 this paragraph.

24 c. The abutting property owner may be required by ordinance  
25 to maintain all property outside the lot and property lines and  
26 inside the curb lines upon the public streets, except that the  
27 property owner shall not be required to remove diseased trees  
28 or dead wood on the publicly owned property or right-of-way.  
29 The abutting property owner may be liable for damages caused by  
30 the failure to use reasonable care in maintaining such property  
31 if required by ordinance. A city shall not assess a fine  
32 against an abutting property owner for failure to comply with  
33 this paragraph.

34 e. If the abutting property owner does not perform an action  
35 required under this subsection within a reasonable time, a city

1 may perform the required action and assess only the material and  
2 direct labor costs associated with a violation of paragraph "b"  
3 or "c" against the abutting property for collection in the same  
4 manner as a property tax. The city shall not assess additional  
5 finances when assessing the costs against the abutting property  
6 owner. This power does not relieve the abutting property owner  
7 of liability imposed under paragraph "b".

8 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
9 importance, takes effect upon enactment.

10 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
11 retroactively to June 13, 2024.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the responsibility and liability of an  
16 abutting property owner for public places in a city such as  
17 sidewalks. Under current law, an abutting property owner may  
18 be required by a city ordinance to remove natural accumulations  
19 of snow and ice within a reasonable time and maintain public  
20 sidewalks or other property between the property line and the  
21 curb line. The bill adds that an abutting property owner may  
22 be liable if the property owner fails to use reasonable care  
23 in maintaining sidewalks or other property between the property  
24 line and the curb line if required by a city ordinance. The  
25 bill prohibits a city from assessing a fine against an abutting  
26 property owner for failure to remove snow and ice from the  
27 sidewalks within a reasonable amount of time and for failure to  
28 maintain all property from the property line to the curb.

29 Under current law, if the abutting property owner does not  
30 perform an action required under Code section 364.12(2), within  
31 a reasonable time, a city may perform the required action and  
32 assess the costs against the abutting property for collection in  
33 the same manner as a property tax. The bill provides that a  
34 city may assess only material and direct labor costs against the  
35 abutting property owner if the city performs an action required

1 under Code section 364.12(2)(b) or (c).

2 The bill takes effect upon enactment and applies retroactively  
3 to June 13, 2024.

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