

**ICOG Model Code Addendum for updates to the following sections in  
Title VI, Chapter 8, based on the Iowa Supreme Court's decision in  
*Splittgerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024)**

6-8-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner's duty to remove snow and ice as described in the prior section, upon order and notice as provided in sections 6-8-6 and 6-8-7, the abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12(2c); *Splittgerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024))

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may notify in writing the said abutting owner that it claims the injury was caused by their said negligence ~~and/or their failure to repair the defect or eliminate the condition complained of~~. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14; *Splittgerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024))

(See Model Code, Title VI, Ch. 8.)