

Bond Case Briefs

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Madden v. City of Iowa City

Supreme Court of Iowa - June 13, 2014 - N.W.2d - 2014 WL 2619407

Bicyclist, who fell while riding on a sidewalk abutting grounds of state university, brought action against city alleging that defect in sidewalk caused accident. City brought the State in as a third-party defendant and cross-claimed for contribution from State. State moved to dismiss cross-claim. The District Court denied State's motion. State moved for interlocutory review.

The Supreme Court of Iowa held that:

- Statute that stated that an abutting property owner could be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets did not expressly or impliedly provide for private cause of action;
- In a matter of first impression, city ordinance that imposed liability on abutting property owner for injuries caused by sidewalk defects was not preempted by state law;
- Ordinance did not impose an unauthorized tax; and
- State was not protected by sovereign immunity from liability under city ordinance.