

Chapter 90 – Streets, Sidewalks, and Driveway Entrances

(ORD #32-24)

Chapter 90-Streets, Sidewalks, and Driveway Entrances

90.010. Obstruction on street, when unlawful, penalty.

It shall be unlawful for any person to deposit or permit to remain on any highway, street, alley, sidewalk, parkway, lawn, treed area, or other public place except by street use permit, as herein provided, any building material or equipment, rubbish, coal, debris, dirt, materials of any kind, chattels, or property which might obstruct the free use thereof or hinder traffic of persons or vehicles, provided that, if through necessity, an obstruction of the nature described is placed thereon, the person responsible shall be relieved of the penalties of this Section if he removes the same without unnecessary delay and if he places red lanterns or lights on and around said obstruction, lighted and placed in such manner and of such number as to be plainly visible in all directions, between the hours of sunset and sunrise while such obstruction so remains. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

90.020. Unlawful extent of obstruction, a misdemeanor.

It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles or materials of any kind calculated to prevent free passage or use by the public, more than one-half of any sidewalk or more than one-third of any public roadway, highway or alley, or to in any manner obstruct the free passage of water in any gutter, drain or alley with such materials or articles. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

90.030. (ORD # 2-01) Sale and storage of merchandise or sidewalks.

It shall be unlawful for any person to place merchandise, or allow merchandise to remain, on any sidewalk within the City for the purpose of selling such merchandise, except that merchandise may be placed on sidewalks for sale during regular business hours so long as the sidewalk is not substantially obstructed.

It shall be unlawful for any person to place any item not for sale, or allow such item to remain on any sidewalk within the City which obstructs the sidewalk or interferes with a person's line of sight down the sidewalk.

It shall be unlawful for any person to store merchandise or other goods on any sidewalk within the City.

90.040. Street or sidewalk use permit, when required.

Any person proposing to place any obstruction or obstructions upon a public way, as set out in the preceding sections, shall first secure a permit so to do from the city clerk, city administrator. Permit fees shall be set from time to time by resolution of the City Council. At the discretion of the Public Works and Infrastructure Committee or City Council, such person may be required to make a cash deposit with the city treasurer to ensure that all such obstructions will be safe-guarded as required by this Chapter and

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promptly removed. Said deposit shall be in an amount not to exceed \$500.00 and shall be refunded after full compliance herewith and conditions restored equal to that existing prior to the placing of the obstructions.

90.050. Sidewalks and driveway approach to be kept clean, penalty.

The tenants or occupants of all premises occupied by them and the owners or agents of vacant lots owned by them or under their control shall keep the sidewalks in front of and adjoining the property owned, controlled or occupied by them swept and clear of litter, dirt, mud, filth, animal or vegetable matter or any substance or article. After any fall of snow or sleet or formation of ice thereon, said owners, agents, occupants or tenants shall cause the same to be immediately removed from the sidewalk fronting or adjoining the property owned, managed or occupied by them. Where buildings are occupied by more than one tenant, it shall be the duty of the person or persons occupying the tenement, or tenements nearest the street to comply with the requirements of this Section. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and as outlined in City code section 68.060 and 68.650 Penalties.

91.055. Property owner to keep in repair.

It shall be the duty of every property owner to keep the entrances of sidewalks, curbs and gutters, and driveways adjacent to his property and in the City of Holden, in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use.

90.070. Use of closed streets is a misdemeanor.

It shall be unlawful for any person to use any street or highway, or part thereof, which has been withdrawn from use by the public, or to drive or attempt to drive any vehicle thereon, or to remove or destroy any barricade, warning light or sign placed upon said street or highway or around or upon any obstruction or defect thereon as a protection or warning to the public. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

90.080. Damage to public property, misdemeanor.

It shall be unlawful for any person to injure or damage any public street, sidewalk, curb, gutter, treed area, lawn, parkway, public place, tree, pole, light standard or fixture, sign, property or fire plug on any public street, highway or alley. Any person or company who damages any street, sidewalk, curb, gutter, or driveway entrance in the City must replace the same to the standards specified by the City Engineer or other person designated by the Mayor. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

90.100. Concrete construction required, grade in the City of Holden.

All sidewalks, and where streets are solid surfaced, driveway entrances, from the pavement through the City Right of Way, shall be constructed, reconstructed or repaired in concrete in accordance with APWA 2300, conform to the established grade of the street and the surface finish of concrete

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walks replaced shall conform to, and shall match as closely as possible, that of existing concrete walk surfaces. All sidewalks in residential areas shall not be less than four feet in width. All sidewalks in commercial areas shall not be less than five feet in width. All new building permits must include provisions for sidewalks and driveway entrances.

All curbs and gutters shall be constructed, reconstructed or repaired in accordance with APWA 2200, conform to the established grade of the street and match as closely as possible, that of adjacent existing concrete curbs and gutters.

Any dispute regarding the requirements or specifications above shall be decided by review of the Public Works and Infrastructure Committee and, if necessary, by the City Council upon request. The Street Superintendent, the Building Inspector or the City Engineer may also initiate review by the Public Works and Infrastructure Committee for any disputes regarding the requirements or specifications.

90.105 Supervision of work.

All work of constructing, reconstructing, excavating, or repairing sidewalks, curbs and gutters, culverts, and driveway entrances require a permit declaring the construction plans to be used. Such permit shall be approved by the Street Superintendent. This work shall be done under the supervision of the Street Superintendent, the City Engineer (if required), or other person designated by the Mayor. Plans for such work shall be submitted to the Street Superintendent for approval prior to beginning work.

90.110. To condemn defective sidewalks, driveway approaches or curbs and gutters.

The City Council may, by ordinance or resolution, condemn defective sidewalks or curbs and gutters, order their removal and provide for the construction of new infrastructure in their place of infrastructure so condemned and removed as provided in this Chapter. Condemnation of defective drive entrances is addressed in §90.220.

90.115. Reconstruction and repair of sidewalks, curbs and gutters at expense of property owner, procedure.

No formality shall be required for the repairing or reconstruction of sidewalks, curbs and gutters and making assessments; therefore, but the City Council, without notice to property owner, may order the City Engineer or Street Superintendent to assess such work to be done. The City Engineer or Street Superintendent shall keep an account of the cost thereof and report the same to the City Council for a decision regarding such work to be done.

90.120. City Council may levy a special assessment, when.

When the City Engineer or other proper officer or committee has made report to the City Council of the cost of the construction, reconstruction or repair of any sidewalks or curbs and gutters in the City of Holden, under the provisions of this Chapter, the City Council, at its discretion, may levy

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said cost as a special assessment against each lot and piece of ground abutting said sidewalk and each lot and piece of ground shall be liable for its part of the cost of the work done or made along or in front of such lot or piece of ground as reported to the City Council, and the city clerk shall issue separate tax bills therefore against each such lot or piece of ground as reported to the City Council for its share of the cost.

90.125. Construction of new sidewalks.

Where a sidewalk, curb and gutter or driveway entrance has been condemned by the City and is to be replaced, or where the City chooses to install a new sidewalk, the City shall contract for the construction of the sidewalk, either with curbing or without, including final grading and the demolition and removal of any existing sidewalk or curbing. Such work shall be advertised for bid or the City may use the contractor who was awarded the bid pursuant to §90.135. The bids shall be based upon the plans and specifications established by the City Engineer or other person designated by the Mayor. The work shall be awarded to the best and lowest bidder, except as otherwise provided for herein. The City may refuse to accept any or all bids. The City may do the work itself or have the City Engineer or Street Superintendent cause the work to be done (as provided for in §90.130), if it can be done for less than the lowest bid submitted by a trustworthy and competent bidder.

90.130. Procedure when no bid is acceptable, or none received.

When after advertisement for bid, no bid is acceptable, no bid is received, or where the City can perform the work cheaper, the City Council may order the City Engineer or other employee of the City to cause the work to be done. In such case, the City Engineer or other person designated to do the work shall keep an accurate account of the amount expended for labor and materials, including excavation, grading, and filling, adjacent to each parcel of property and present such account to the City for assessment as provided in this Chapter.

90.135. City payment assistance for the construction of sidewalks.

Under the following circumstances, the City, at its discretion, may pay up to 50% of the cost of the concrete ONLY for installing, replacing, or repairing sidewalks within the City of Holden. Such payment will require documentation of concrete costs by paid bill or paid invoice, or receipt. In determining whether to contribute to the cost of the sidewalk, the City shall consider the following factors:

1. The location of the sidewalk.
2. The condition of the existing sidewalk, if any. The number of people benefited by the sidewalk.
3. Whether the new sidewalk is part of new construction.
4. Whether the proposed sidewalk is in a commercial or residential area. The cost of the project.
5. The amount budgeted for sidewalk repair.

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6. The amount of financial resources available to the City.
7. The number of requests made for financial contribution to sidewalk construction.

The City may require the placement or replacement of curb and gutter and driveway entrances along any sidewalk partially paid for by the City. Nothing contained herein shall prevent the City from providing up to 50% of the cost of concrete (only) to construct any sidewalk constructed pursuant to the provisions of §90.135. The City shall not contribute to the cost of repairing/replacing any portion of any sidewalk damaged due to construction or underground maintenance.

90.200. Culverts and Driveways.

All driveways or entryways from public streets or alleys in the City into private property shall contain a culvert unless the Street Superintendent or City Engineer determines that a culvert is not needed. All culverts shall be of sufficient diameter so as not to restrict drainage under the driveway or entryway. No culvert shall be placed along any public street or alley within the City without prior approval of the Street Superintendent or City Engineer. The Street Superintendent or City Engineer shall approve the request for culvert placement so long as the culvert proposed to be placed meets the necessary diameter requirements, material requirements, and other specifications to ensure sufficient drainage, and the location and manner of placement will not result in damage to the City's property or other property. The Street Superintendent or City Engineer shall determine the minimum diameter of each culvert, the type of culvert used, and the depth and method of placement for each culvert placed along any public street or alley within the City. All work within the easements and right-of-way for driveways, culverts, swales, and ditches shall be in accordance with the latest adopted APWA Standards and Specifications and City requirements. Culverts placed after the passage of this ordinance shall be Dual Wall HDPE, galvanized corrugated steel, Steel Arch Pipe (14 gauge or thicker walls), or RCP and have a minimum diameter of 15-inches. Any deviations from these requirements require prior approval from the Street Superintendent or City Engineer. Any dispute between any property owner and Street Superintendent or City Engineer as to any of the requirements or specifications above, shall be decided by review of the Public Works and Infrastructure Committee and, if necessary, the City Council, upon request.

90.205. City to Install Culverts Upon Request of Property Owner.

Any property owner wishing to install or replace a culvert under any driveway or entryway may request the City to place the culvert and to perform the necessary excavation for the installation. The City will perform such placement and excavation, and dispose of the original culvert, without charge in most circumstances, but the property owner must furnish the culvert. The City reserves the right to refuse a request for the free placement of, and the excavation for a new culvert, as well as a request for the free disposal of any culvert, under the following circumstances:

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1. When the new culvert to be placed does not comply with the requirements set forth by the Street Superintendent.
2. When the location of the requested placement presents a safety hazard.
3. When the location or manner of requested placement will likely result in damage to City property, or another person's property.
4. When the requested placement will obstruct or interfere with proper drainage.
5. When the requested placement of a new culvert, or the excavation for a new culvert, or the disposal of the old culvert is out of the ordinary, causing the City to spend inordinate amounts of time or expense in providing the service.
6. When the requested placement of a new culvert, or the excavation for a new culvert, or the disposal of the old culvert would endanger City employees or equipment or would expose the City to liability.
7. When there are numerous requested placements on a given tract of property; or
8. When the City employees (due to the number or requests for placement, or seasonal work demands) do not have sufficient manpower or equipment to provide the above service. Nothing contained herein shall prohibit a property owner, contractor, or other person from placing any culvert along public street or alley, once a permit is obtained, but if the culvert, location, function, and method of installation of any culvert does not meet the approval of the Street Superintendent or City Engineer, the culvert must be removed and the problem corrected. Any dispute between the Street Superintendent or City Engineer and the property owner as to any of the above items will be decided by the City Council upon request.

90.210. Removal of defective culverts and cutting of existing driveways.

The establishment and maintenance of proper drainage within the City is of primary importance to the City. Proper drainage within the City prevents damage to streets and alleys and prevents damage to private property. Any culvert in the City's easement, right-of-way, on the City's property, or along any public street or alley in the City which has been placed in contravention of this Chapter, or which restricts drainage may be removed by the City without the adjoining property owner's consent. Any driveway or entryway which connects with a public street or alley which does not have a culvert, and which restricts drainage, may be cut by the City to allow for drainage without the adjoining property owner's consent. A culvert improperly restricts drainage in the following circumstances.

1. The culvert is too small a diameter for the ditch or drainage area.
2. The culvert is obstructed.
3. The culvert is deformed or compressed.
4. The culvert is located at an improper height (too high or too low).
5. The culvert is not level; or

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6. For any other reason, the culvert causes a restriction in the flow of water, causing water to back up onto other person's property or causes water to back onto or run over any public street or alley.

90.220. Procedure.

If the City wishes to remove a culvert without the adjoining property owner's consent, or if the City wishes to cut an existing driveway or entryway which does not contain a culvert, the City must mail a certified letter, return receipt requested, to all owners of the property (adjoining the culvert to be removed or the driveway to be cut), as listed in the official records of the Johnson County Recorder of Deeds at least 15 days prior to the removal of the culvert or 15 days prior to the cutting of the driveway or entryway. The letter shall be sent to the last known address of the owner. If the address of any owner cannot be located, a certified letter, return receipt requested, shall be sent to the property owner in care of the person(s) listed as the contact for the property as listed in the official records contained in the Johnson County Assessor's Office. Notification is complete upon proof of mailing. Further, the City shall place a sign on the property near the culvert to be removed, or the driveway or entryway to be cut, at least 15 days prior to the culvert's removal or the cutting of the driveway or entryway, providing notice of the City's intentions. After notice as provided above, the City may remove any culvert which improperly restricts drainage and may cut any driveway or entryway which restricts drainage. The City will not be obligated to provide any method for ingress or egress from the property, nor will the City be obligated to remove the old culvert.

90.230. Unlawful to fill or obstruct ditch or drainage.

It shall be unlawful for any person to fill or obstruct any ditch or drainage area bordering any public street or alley within the City.

90.240. City may clean and maintain ditches and drainages.

The City may clean, excavate, deepen, widen, maintain, defoliate, or remove trees and brush from any ditch or drainage area bordering any public street or alley within the City or on any City easement established for the use and maintenance of streets or alleys, or on any City property.

90.300. Boring and Excavation, Permit required.

No person shall make or cause to be made any cut, excavation, boring or grading in, or under, or through any public right-of-way (including a street or maintained alleyway) except after having first secured a permit, therefore.

Breaks in water or sewer lines owned by the City shall be reported to the Board of Public Works ("BPW") immediately. The BPW or its designee shall excavate where necessary and shall make the needed repairs and then back fill the hole, in thin layers, with properly compacted crusher-run rock and cover the back fill with 5 inches of hot mix asphalt. Upon completion of the work the BPW shall notify the Street Superintendent who shall inspect the street repair.

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Water/Wastewater work performed as directed by the City of Holden Board of Public Works shall require notification of the Street Superintendent and City Clerk in lieu of a permit.

90.310. Application for permit; fees.

Any person proposing to construct or excavate in a public right-of-way shall make application for a permit upon forms provided by the city, accompanied by the following:

1. An accurate map or diagram showing the location of the proposed construction or excavation including a reference to the most nearly adjacent private property by street address and legal description, and the dimensions of such construction or excavation.
2. In the case of any excavation or boring, a bond or other approved surety as provided in this Chapter.
3. For any excavation up to one-half ($\frac{1}{2}$) of the right-of-way by width, a permit fee as set forth from time to time by resolution of the city council.
4. For any other construction or excavation within public right-of-way, a permit fee as set from time to time by resolution of the city council.

No permit shall be issued until the above conditions have been vetted by the Street Superintendent or, if required, the City Engineer.

90.320. Separate work requires separate permits.

Each separate construction or excavation shall require a separate permit. All permits shall be posted at or near the location of work.

90.330. Transfer, assignment of permit prohibited.

No permit issued under this Chapter shall be assignable or transferable.

90.340. Bond.

Each applicant for a permit to excavate or work within any public right-of-way of any street or alley, improved or unimproved in this city shall furnish to the city a cash bond or suitable surety in favor of the city and to any successor to its governmental authority over the location of the excavation conditioned on the performance by the applicant of the obligation imposed in accordance with the ordinances of this city. The amount of such bond shall be the cost of the estimated repair of the work, including backfill. Any needed repairs to the right of way may be ordered by the street superintendent and if the applicant fails to comply within the next twenty-four (24) working hours, weather permitting, then the cash bond money or surety bond may be used for the repair either by the city or a private contractor.

If the contractor so chooses, they may be able to voluntarily forfeit their bond in favor of the City of Holden or a private contractor of the city's choosing to make the necessary repairs rather than performing the repair work themselves.

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Upon proper notification by the contractor, the street superintendent shall inspect the replacement and repair of each excavation or boring. Upon satisfactory meeting of the city's repair standards, the street superintendent may approve the work and declare that the cash bond or surety be returned. The city reserves the right to retain the bond or surety for a period of one (1) year if conditions warrant that action.

90.350. Manner.

The person making the cut, excavation or boring in any street, sidewalk, alley or public right-of-way shall cause the same to be done with the least possible injury to street, sidewalk, alley or right-of-way and shall place excavated earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit uninterrupted passage of water along gutters.

90.360. Refilling.

The refilling of all cuts, excavations or bores made in any street, sidewalk, alley or other right-of-way in the city shall be made by the person doing the work and shall be done in a manner and with materials as specified by this Chapter. Refilling shall be inspected for compliance and approved by the Street Superintendent.

90.370. Protective measures.

Every person who shall for any purpose make or cause to be made any excavation, cut or bore in, upon, under, through, or adjoining any street, sidewalk, alley or other right-of-way, and shall leave any part or portion thereof open, or shall leave any part or portion thereof obstructed with rubbish, building or other material during the nighttime, shall cause the same to be enclosed with good, substantial and sufficient barriers, not less than three (3) feet high and shall cause one (1) amber light to be securely and conspicuously posted in or near such excavation, building material or obstruction, providing such obstruction does not extend more than ten (10) feet in length, and if over ten (10) feet and less than fifty (50) feet in length, two (2) amber lights, one (1) at each end shall be so placed, and one (1) additional light for each additional fifty (50) feet or part thereof, and shall keep such lights burning from sunset to sunrise.

Whenever a person shall excavate the full width of any street, alley, sidewalk or other right-of-way, it shall be his duty to maintain a substantial walkway or driveway across said excavation until it is refilled as specified in this Chapter.

90.380. Repair and maintenance.

Any person who shall make any excavation, cut or bore in, on, under, or through any public right-of-way with or without a permit shall be obligated to close the same within fifteen (15) days of commencement thereof so as to restore the right of way permanently to conform to the specifications of the

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City and to repair any sinking or damage to the surface or improvements thereon resulting from such excavation within one (1) year thereafter.

90.390. Repair of damage.

If the surface of any public right-of-way or any improvement thereon is damaged or disturbed wholly or partly as a result of prior work, the person who made such work shall be notified and requested to repair the same. Such notice shall be deemed given if mailed to the last known address of such person.

If such person shall fail or refuse to make necessary repairs within five (5) days thereafter, then the city council may order such repairs or may contract in the name of such person by competitive bids or private negotiation for the making of such repairs and in either case such person or his surety shall pay the cost thereof. City forces may make emergency repairs and charge the person or his surety for time and materials used.

90.400. Specifications for excavations, backfilling and replacement where paved surfaces are disturbed.

These specifications provide a minimum standard for the removing of various pavement surfaces, open trenches, excavating, method of backfilling and replacement of various pavement surfaces. These specifications meet the requirements of the city council as a standard to be followed in all cases where street surfaces are disturbed in the process of any and all excavation work. The following specifications are hereby required for excavation, backfilling and replacement where paved surfaces are disturbed:

1. Portland cement concrete pavement. The following specifications are hereby required for streets of Portland cement concrete pavements:
 - a. Prior to replacement of the concrete pavement, the concrete surface shall be scored with a saw on each side of the required excavation to a minimum depth of two (2) inches. The size of the area cut shall be one (1) foot greater in all directions than the size of the excavation. This is to provide a minimum six-inch shoulder of undisturbed subgrade surrounding the excavation.
 - b. All broken concrete shall be removed from the site and not used for backfill material.
 - c. The walls of the excavation shall be vertical for the full length. Sufficient bracing or shoring shall be provided to hold the excavation walls in vertical plane and to prevent undercutting of the undisturbed pavement. Sloping of trench walls in deep excavations may be permitted by the city council. Bracing or shoring may be omitted where in the opinion of the city's authorized representative depth of excavation and soil conditions warrant.
 - d. All excavated materials shall be backfilled with clean one-half inch aggregate, three-eighths minimum to three quarters maximum, or type as specified in the Standard Specifications for State

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Road and Bridge Construction of the state highway commission on the bottom of the concrete paving.

- e. The pavement removed shall be replaced with eight (8) inches of high early strength class concrete having a compressive strength of four thousand five hundred (4500) pounds per square inch at twenty-seven (27) days. The new finish shall be flush with the present street surface.
2. Streets of hot mix asphalt, cold mix or "chip and seal". The following specifications are hereby required.
- a. Such streets shall conform to subsections (1) a. To (1) d. Inclusive of the specifications for Portland cement concrete pavement.
 - b. All removed paving shall be removed from the site and not used for backfill material. The minimum six-inch shoulder shall be excavated to a point no less than nine (9) inches below the existing street surface.
 - c. Backfill shall consist of clean one-half-inch aggregate or of rolled stone base material to within the final six inches of backfill.
 - d. The final six (6) inches of backfill shall be of crushed rock to state highway specifications. This final backfill shall be compacted or rolled.
 - e. When compaction has been attained, and all surface moisture evaporated, backfill shall be covered with at least five (5) inches of hot mix asphalt and rolled. The new finish shall be flush with the present street surface.

90.410. Specifications for backfilling in the unpaved portion of the right-of-way.

All stable and suitable materials for excavations may be used for backfilling in the unpaved portion of the right-of-way. All unstable and unsuitable materials from excavations shall be removed and disposed of.

The moisture content of the soil used for backfill, at the time of compaction, shall be uniform and shall be such that the soil can be compacted to a minimum of eighty (80) percent of Standard Density as specified in the Standard Specifications for State Road and Bridge Construction of the state highway commission.

The paving material removed from excavations in the street shall not be used for backfill in the unpaved portion of the street.

90.420. Modification of specifications.

Licensed professional engineers may modify the requirements in this division subject to approval of the city's Street Superintendent, or if needed the City Engineer, prior to construction or excavation. Project specifications

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shall cover backfill materials, method of compaction and method of surface replacement.

90.430. General instructions.

1. The contractor shall be responsible for obtaining the required permits. Those securing permits will pay all fees and post any required bond.
2. All excavations through any hard surface street shall only be made by sawing through the street's surface using squared cuts. Excavations shall only be as large as necessary and shall not interfere with or damage hard street surfaces beyond the actual excavation site.
3. Open trench construction along roads will be limited to four hundred (400) lineal feet.
4. All work when completed shall be to the satisfaction of the city's Street Superintendent and to the governing body issuing the permit.
5. Flagmen shall be provided to maintain traffic in a safe orderly manner.
6. Conduit and manhole construction shall be in accordance with the specifications and drawings submitted for approval.
7. No street or road shall be completely closed to traffic in excess of two hours' duration except construction subject to the maximum permit fee. No driveway shall be closed in excess of thirty-six (36) hours.
8. Streets shall be maintained in a clean condition during construction.
9. Johnson County Dispatch shall be notified of the closure of any street and again notified of the subsequent reopening of any street.
10. Broken pavement shall be completely removed from the site of work. The excavation of trench shall have straight vertical sides and shoring, siding and bracing shall be employed where necessary to prevent cave-ins. Sloping of trench walls in deep excavations may be permitted by the city's authorized representative. Bracing and shoring may be omitted when in the opinion of the city's authorized representative depth of the excavation and soil conditions warrant.
11. Emergency repairs by utilities shall be allowed prior to securing a permit, providing that such permit is obtained by said utility, on next working day. Emergency utility repairs requiring digging or excavation shall require notification of the Holden Street Superintendent, Holden Water/Water Operations Contractor (BPW), and Johnson County Dispatch.
12. Materials other than those specified in this Chapter may be used for backfill, subject to the approval of the city's Street Superintendent prior to excavation.

90.450. Violation.

Every person found to have violated any of the provisions of this Chapter or refusing or neglecting to comply with any of the requirements thereof, shall be issued appropriate citations with a fine not to exceed five hundred dollars (\$500.00).