



GRAND JUNCTION CITY COUNCIL
MONDAY, DECEMBER 19, 2016

PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET

To become the most livable community west of the Rockies by 2025

1. [Review Proposed Code Amendments Regarding Content Neutral Signage](#)
2. [Review Revised Ordinance Governing Outdoor Burning](#)
3. Next Workshop Topics
4. Other Business



**Grand Junction City Council
Workshop Session**

Item #1

Meeting Date: December 19, 2016

Requested by: Greg Caton,
City Manager

Submitted By: Kathy Portner,
Community Services Manager

Department: Admin./Com. Dev.

Information

SUBJECT:

Proposed code amendments regarding content neutral signage

EXECUTIVE SUMMARY:

Staff will present options for proceeding with the proposed sign code amendments specific to content neutrality.

BACKGROUND OR DETAILED INFORMATION:

A proposed ordinance addressing both content neutrality and electronic and digital signage was tabled by City Council at their November 16, 2016 meeting with direction to get business input on the proposed changes, specifically to the electronic and digital sign regulations. The staff is working with the Chamber of Commerce to garner input and will be bringing that part of the ordinance back to the City Council after the first of the year.

The content neutrality part of the ordinance amends the existing sign code regulations to be content neutral by clarifying and defining sign types, number of signs, location and height of signs allowed by zone district and establishing four categories of signs: (1) signs that do not require a permit, (2) signs that do require a permit, (3) temporary wind driven/banner signs and (4) governmental exempt signs and no longer distinguishes between on-premise and off-premise signage. The ordinance also includes other minor amendments that clarify or simplify the code provisions.

FISCAL IMPACT:

N/A

SUGGESTED ACTION:

Policy direction on proceeding with the sign code amendments specific to content neutrality, especially as it relates to outdoor advertising/billboards.

Attachments

None



Grand Junction City Council

Workshop Session

Item #2

Meeting Date: December 19, 2016

Presented by: Ken Watkins, Fire Chief
Chuck Mathis, Fire Marshal

Submitted by: Ken Watkins, Fire Chief

Department: Fire Department

Information

SUBJECT:

An Ordinance Adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning, Restricted and Unrestricted Burning; Providing for the Issuance of Permits for Certain Burning Activities and Defining Extinguishment Authority

EXECUTIVE SUMMARY:

Outdoor burning, including open burning and recreational fires has been a topic of discussion in the community and for City Council. Staff conducted research on the issue and recommended adoption of an ordinance to restrict outdoor burning within City limits as a matter of public safety. City Council did not adopt the proposed ordinance and requested further clarification from staff on specific issues in the ordinance. Staff will present changes to address City Council's concerns.

BACKGROUND OR DETAILED INFORMATION:

On November 2, 2016 a presentation and public hearing was held on a proposed ordinance adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning. After public testimony and discussion, City Council voted not to adopt the Ordinance as written and requested further clarification from staff on a number of points. The major concerns noted were:

- Definition of a fire pit
- Allowance for open burning on larger properties
- Transfer of the burn permit process to Mesa County

- Options for residents for green waste disposal

These concerns have been addressed as represented in the highlighted section of the attached proposed ordinance. In addition, Staff has made a few other changes to the ordinance that are also highlighted in the draft ordinance.

1. Definition of a Fire Pit (page 2)

The following definitions have been added to the definition section of the ordinance to provide clarity on Fire Pits.

FIRE PIT. (Non-portable), A depression dug into the ground and/or an enclosure made from stones, masonry, etc., for keeping a fire used for cooking or warmth. Non-portable fire pits are regulated as a recreational fire according to the International Fire Code. Recreational fires shall not be conducted within 25 feet of a structure, property line or combustible material.

FIRE PIT. (Portable), A commercially built, above ground portable device regulated as a portable outdoor fireplace according to the International Fire Code. Commercially built portable fire pits do not have the same inherent dangers as non-portable fire pits. Portable fireplaces shall not be operated within 15 feet of a structure or combustible material.

2. Open Burning on Larger Properties (page 6)

Under the *Restricted Burning – Allowed with Permit* - language has been added to allow open burning on properties over 1 acre. Based on earlier research this change will reduce open burning permits in the City by approximately 50%. It is anticipated that most of the open burning in the urbanized area of the City would be significantly reduced.

3. Transfer of Burn Permit Process to the Mesa County

With the allowance of open burning for larger properties, the Fire Department recommends that burn permits issued in the City would continue to be issued by the Fire Department. Staff is still proposing that burn permits issued for the Grand Junction Rural Fire Protection District would be transferred to the Mesa County permit system.

4. Green Waste Disposal Options

The following alternatives have been identified for disposal of green waste if residents prefer not to burn or are not eligible to burn as required by the ordinance. Primarily for properties smaller than one acre.

1. Mesa County Compost Facility takes green waste free of charge
2. Backyard composting

3. Green waste can be disposed of during the City's Annual Spring Clean-up program in April (limit of 10 cubic yards)
4. Green waste can be cut up and disposed of through the normal city trash service. Additional containers can be ordered for larger pickups.
5. Special pickups can be ordered from the City Solid Waste Department
 - Loose material is \$13.50 per cubic yard
 - Bagged or contained material is \$11.00 per cubic yard
 - Both options are billed to the customer's utility bill
6. Small construction dumpsters can be ordered from the City Solid Waste Department
 - Container rental is \$2.25 per day with no limit
 - \$35.00 per cubic yard for waste

4. Other Changes to the Ordinance

Definitions Section (page 2-3) – language added to Open Burning, Portable Outdoor Fireplace and Recreational Fire definitions to provide clearer guidance on how far away from structures, combustibles, fences, etc. a person can conduct these types of burning.

Language added to Vegetative Material to allow burning of small piles of leaves.

Changes to Key Sections

For clarity of when burning is prohibited, restricted or allowed, language was added to the following section headings and like items were classified together for better understanding of requirements.

Prohibited burning: *Shall not be permitted* (page 4)

- Section is restricted to trash, rubbish burning and salvage operations.

Restricted burning: *Allowed with permit* (page 5)

- Allowance for ceremonial bonfires, construction permits and other types of burning that were listed in the previous draft ordinance.
- Allowance for open burning on larger properties
- Firework displays removed as this falls under a different code and permit

Unrestricted burning: *Permit not required* (page 7)

Allows burning for:

- Maintenance of canals, waterways
- Cooking fires
- Portable (including commercially built fire pits) and permanent outdoor fireplaces
- Other open flame devices
- Recreational fires (including fire pits) that meet distance requirements from structures, fences, property lines, combustibles
- Recreational fires in picnic areas or campgrounds
- Burning for flaring of gas at the sewer plant
- Burning for fire suppression or training

Staff believes that the changes made to the draft ordinance answer Council's concerns while still also meeting the goals of the ordinance. As has been stated, this ordinance

has been developed for fire and public safety reasons and not necessarily to improve air quality. Approval of the proposed ordinance will likely result in some reduction in burning within City limits and in turn some improvement in air quality.

FISCAL IMPACT:

Previous fiscal impact information provided to City Council will change with the allowance of burning on larger properties. It is estimated that approximately 200 permits will be issued for the larger properties and at the current \$25.00 permit fee, the City will see an estimated \$5,000 revenue increase compared to what was adopted in the 2017 budget. This change is noted below as well as the difference in permit revenue from 2016 to 2017 incurred as a result of moving the Grand Junction Rural Fire Protection District permits to Mesa County at a lower fee (\$10.00 per permit).

2015 Permit Revenue	2016 Permit Revenue	Previous Estimate of 2017 Permit Revenue	New Estimate of 2017 Permit Revenue
\$25,745	\$31,300	\$11,000	\$16,000

SUGGESTED ACTION:

Recommend acceptance of the changes to the proposed ordinance and schedule for first reading on January 4, 2017.

ATTACHMENT 1 – Proposed Ordinance

Attachment

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE ADOPTING AMENDMENTS TO THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND PRESCRIBING REGULATIONS GOVERNING OUTDOOR BURNING, RESTRICTED AND UNRESTRICTED BURNING; PROVIDING FOR THE ISSUANCE OF PERMITS FOR CERTAIN BURNING ACTIVITIES AND DEFINING EXTINGUISHMENT AUTHORITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the Code of Ordinances of the City of Grand Junction also known as the Grand Junction Municipal Code (GJMC) is hereby amended as follows: (the numbers of the sections hereby adopted are intended to be consistent with the existing numbering system of the GJMC and the City Clerk or her designee is authorized to number and codify the sections in accordance with that system.)

1. GJMC 15.44.040 (c) the following definitions shall be amended to read (*these have just been regrouped – no text has changed*):

(i) Section 202, General Definitions. Section 202, Residential Group R-3 Care facilities within a dwelling, shall be amended to read as follows:

Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

(ii) Section 202, General Definitions. Section 202, Residential Group R-4, the last paragraph, shall be amended to read as follows:

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the International Building Code or shall comply with the International Residential Code.

2. GJMC 15.44.040 (d) the following definitions shall be amended to read:

(i) Section 202. General Definitions. Section 202 the following definitions shall be amended to read as follows and/or adopted to be included as a definition.

BONFIRE. An outdoor fire utilized for ceremonial purposes which is limited to a solid wood fuel size of 8 feet in diameter and 4 feet high and conducted

by non-profit organizations, religious institutions, school districts, or governments.

FIRE OFFICIAL. The Fire Chief or other designated authority charged with the administration and enforcement of GJMC 15.44 and/or the most recently adopted version of the IFC as a duly authorized designee.

FIRE PIT. (Non-portable), A depression dug into the ground and/or an enclosure made from stones, masonry, etc., for keeping a fire used for cooking or warmth. Non-portable fire pits are regulated as a recreational fire according to the International Fire Code. Recreational fires shall not be conducted within 25 feet of a structure, property line or combustible material.

FIRE PIT. (Portable), A commercially built, above ground portable device regulated as a portable outdoor fireplace according to the International Fire Code. Commercially built portable fire pits do not have the same inherent dangers as non-portable fire pits. Portable fireplaces shall not be operated within 15 feet of a structure or combustible material.

HOUSEHOLD WASTE. Any waste including garbage and trash, derived from households including single and multiple residences, hotels and motels and other places used for temporary or permanent human habitation;

NONATTAINMENT AREA. An area which has been designated under the Clean Air Act as nonattainment for one or more of the national ambient air quality standards by the federal environmental protection agency;

OPEN BURNING. Any manner of burning, typically vegetative material, whether caused, suffered or allowed, not in a device or chamber designed to achieve combustion, where the products of combustion are emitted, directly or indirectly, into the open air; open burning does not include detonation of manufactured explosives. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or portable outdoor fire places. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Open burning must be conducted at least 50 feet from any structure (including combustible fences), occupied dwelling, workplace or any other place where people congregate, which is on property owned by or under possessory control of, another person;

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-fuel-burning fireplace constructed of steel, concrete, clay or other noncombustible material. Portable outdoor fireplaces are above ground and commercially purchased and operated according to the manufactures specifications. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top (i.e. commercially purchased metal or stone chimeneas, portable fire pits, fireplaces, and burn bowls utilized for outdoor purposes). **Portable fireplaces shall not be operated within 15 feet of a structure or combustible material.**

RECREATIONAL FIRE. An outdoor fire, typically homemade and constructed of rocks or bricks. Recreational fires are not portable and burn materials other than rubbish or household waste where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fire place, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose (i.e. in ground fire pits, fire rings, campfires). **Recreational fires shall not be conducted within 25 feet of a structure, property line or combustible material. When possible recreational fires should be used with a screen / spark arrestor to reduce the chance of fire spread.**

RUBBISH. Combustible and noncombustible waste materials, including residue from the burning of coal, wood, coke, or other combustible material, paper, rags, cartons, tin cans, metals, mineral matter, glass crockery, dust and discarded refrigerators, and heating, cooking or incinerator type appliances.

SALVAGE OPERATION. Any operation to salvage or reclaim any material for use or sale, such as reprocessing of used motor oils, metals, wire, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards; and

VEGETATIVE MATERIAL. Plant material, including:

(1) bushes, shrubs and clippings from bushes and shrubs resulting from maintenance of yards or other private or public lands. Nothing shall be larger than 1" in diameter;

(2) field stubble, grass (not in piles), and weeds in fields, and vegetation along fences, ditches/ditch banks; and

(3) wood waste, including chipped tree stumps, tree limbs, bark, small piles of dried leaves (not to exceed 3 cubic feet) that are well aeriated and does not smolder when burned and scraps resulting from maintenance or trees.

Nothing shall be larger than 1" in diameter and shall not have been treated with any compound(s) containing chromium, copper, arsenic, pentachlorophenol, creosote, tar or paint.

3. GJMC 15.44.040 (e) shall be amended with the addition of the following:

e) Section 307.1 General. Section 307.1 shall be amended by addition of the following subsection:

307.1.4 Outdoor Burning.

(a) Any outdoor burning not expressly allowed, not expressly prohibited or not otherwise specifically addressed under section 307 or GJMC 8.08.010 (NUISANCES) shall be conducted only pursuant to GJMC Chapter 15.44 and pursuant to and in accordance with a permit issued by the Grand Junction Fire Department (GJFD) or its designee. Instructions and stipulations of the permit shall be adhered to.

(b) Outdoor Burning as allowed or prohibited in this section 307 is not considered a stationary source for purposes of applicability of other air quality regulations.

(c) Outdoor Burning regulations do not extend to indoor burning practices which are subject to the requirements stated in the most recently adopted version of the International Fire Code (IFC) and/or by City ordinance.

(d) Where conflicts occur between this section 307 and the section 202 definitions amended and/or adopted and the most recently adopted version of the IFC, the provisions of this section 307 and the section 202 definitions amended and/or adopted shall apply. Nothing shall preclude the Fire Official designated by the IFC from enforcing regulatory provisions provided in the most recently adopted version of the IFC that are more restrictive in nature than this section 307.

(e) Requirements that are essential for the public safety of an existing or proposed burning activity which are not specifically provided for by section 307 or by the most recently adopted version of the IFC shall be determined by the City's Fire Official.

(f) Prohibited burning: Shall not be permitted

(1) The burning of household waste or rubbish is prohibited including, but not limited to:

(b) waste oil and/or used oil filters and any waste automotive, machine fluid or lubricant, pesticide, herbicide and/or any other chemical, process fluid or the constituents thereof;

- (c) insulated wire;
- (d) plastic, including polyvinyl chloride ("PVC") pipe, tubing, and connectors;
- (e) tar, asphalt, asphalt shingles, or tar paper;
- (f) railroad ties;
- (g) wood, wood waste, or lumber which has been painted, stained or which has been treated with preservatives containing arsenic, chromium, pentachlorophenol, or creosote;
- (h) batteries;
- (i) motor vehicle bodies;
- (j) pathogenic wastes; and
- (k) asbestos or asbestos containing materials.

(2) This section applies to any kind of salvage operation as defined herein; open burning as part of any salvage operation is prohibited.

(g) Restricted burning: Allowed with permit

(1) Outdoor burning, open burning and ceremonial bonfires are allowed with a permit approved by the Fire Official and when the fires are subject to and in accordance with regulatory, process and safety provisions stated in the permit issued by the GJFD in accordance with GJMC and the most recently adopted version of the IFC. (See (h) below for recreational fire/fires that are allowed without a permit.)

(2) Valid construction or operational permits involving burning and/or open flames issued by the GJFD in accordance with GJMC and the most recently adopted version of the IFC as amended.

(3) When burning vegetative material as defined herein, a permit is required and activities shall maintain strict adherence to the permit issued by the GJFD in accordance with GJMC and the most recently adopted version of the IFC as amended.

- (i) Open burning of vegetative material as defined in this chapter for purposes of disposal of such material that originated on the property, provided that burning of areas with non-piled vegetative material occurs on a parcel of land greater than 1 acre or if less, the burning is only to maintain irrigation ditches/laterals, and that the burning by the owner/agent does not exceed ten acres per day, or burning of piled vegetative material does not exceed 250 cubic feet of pile volume per day. In determining acreage, daily burn area and daily burn pile volume, property, areas

or piles that are within three hundred feet of each other shall be considered to constitute a single burn if the burning occurs on the same day and on property under ownership or possessory control of the same person. Burning in excess of these daily limits shall be presumed to constitute a nuisance and be subject to GJMC 8.08.010 (Nuisance).

(ii) Prescribed burns for fire fuels management, as back fires to prevent or control wildfire or for other similar, specific may be allowed by the Fire Official on a case-by-case basis when the prescribed burn is i) permitted in advance and ii) the permittee does not deviate from the activity-specific permit requirements required by the Fire Official.

(iii) Agricultural Burns as permitted by Mesa County and State of Colorado regulations. Agricultural burns shall be for management, control or eradication of pestilence, plague and/or other disease, insects, vermin or other agricultural emergency(ies.)

(iv) Prescribed burning for the purposes of recognized silvicultural, range or wildlife management practices, prevention and control of disease or pests and reducing the impact of wildland fire may be allowed by the Fire Official.

(v) Notwithstanding i, ii, iii, and vii above, burning of vegetative material is prohibited in the event of the State and/or Mesa County imposing ozone, PM 10, 2.5 or other nonattainment area(s) restrictions or otherwise declaring a “no burn” day on a “high pollution day” as defined by GJMC 8.20.030 or the imposition of any other general or specific air quality controls.

(vi) Burning of vegetative material is prohibited when atmospheric conditions or local circumstances such as drought make such fires hazardous; burning is not permitted when sustained winds exist or are the prevailing condition and/or when a red flag warning has been issued by the National Weather Service.

(vii) Burning is prohibited, including but not limited to burning pursuant to a valid open burning permit; when the Fire Chief or his designee issues burn restrictions and/or a burn ban in accordance with GJMC 15.44.040 (citing to the International Fire Code)¹; furthermore, burning may be prohibited or restricted in accordance with specific restrictions and/or limitations issued due to localized condition(s).

¹ 307.1.3 Burn restrictions and burn bans. The Fire Chief or his designee is authorized to issue burn restrictions and/or burn bans as deemed necessary when local conditions make open burning, bonfires, recreational fires, portable outdoor fireplaces, fireworks, other open flames or similar activities hazardous

(viii) Burning of vegetative material shall:

(A) be conducted at least 50 feet from any structure (including combustible fences), occupied dwelling(s), workplace(s) or any other place(s) where people congregate, which is on property owned by or under possessory control of, another person;

Bi) burning shall begin no earlier than one hour after sunrise and shall be extinguished no later than one hour before sunset;

(C) burning shall at all times be attended by a competent person until fully extinguished and the person shall be in immediate possession of a valid burn permit;

(D) the attendant to the burning shall have an adequate extinguishing source available for immediate use sufficient for the type and size of the fire as determined in the sole discretion of the Fire Official or his designee;

(E) the owner or agent shall notify GJFD or its designee prior to burning by obtaining a valid open burn permit for the time period in which the burning is taking place;

(F) the burning of vegetative material in excess of 1-inch in diameter is prohibited;

(G) the burning of trees stumps, grass clippings and leaves (that exceed 3 cubic feet) is prohibited;

(H) no person shall burn upon the land of another without permission of the owner thereof;

(I) the vegetative material to be burned shall be as dry as practicable.

(h) Unrestricted burning: Permit not required

(1) Maintenance of canals, irrigation and drainage ditches owned and/or operated by a Drainage District or Canal and/or Irrigation Company or District.

(2) Cooking Fires:

(i) Open-flame cooking devices in the form of LP-gas or charcoal burner grills that are subject to regulatory and safety provisions stated in the most recently adopted IFC.

or objectionable. Violations of burn restrictions or burn bans shall be punishable in accordance with GJMC 1.04.090.

(ii) Solid-wood fueled cooking fires utilized in outdoor kitchens (permanent masonry fireplaces/pizza ovens), barbecue (also BBQ) smoke houses, BBQ smokers and in-ground cooking pits or devices.

(3) Portable Outdoor Fireplace as defined herein. Portable fireplaces shall not be operated within 15 feet of a structure or combustible material.

(4) Solid-wood fueled or gas fueled permanent outdoor fireplaces approved in accordance with the International Residential Code or International Building Code.

(5) Other liquid-fueled or gas-fueled open-flame devices in the form of heaters and decorative devices such as tiki-torches, lanterns, candles or similar items that are subject to regulatory and safety provisions stated in the most recently adopted IFC.

(6) Recreational Fire as defined herein. Recreational fires shall not be conducted within 25 feet of a structure, property line or combustible material. When possible recreational fires should be used with a screen/spark arrestor to reduce the chance of fire spread.

(7) Recreational fires located in developed municipal, county or state approved picnic or campground areas contained in portable or non-portable fire pits or fire grates furnished at the picnic or campground area.

(8) Burning (flaring) of natural gas at the sewer treatment plant and when performed in conjunction with drilling, completion and workover operations of oil and gas wells and when the flaring operation of the wells is reasonably necessary in the opinion of the well operator to avoid serious hazard to safety.

(9) Fire suppression or Grand Junction Fire Department (GJFD) training activities.

4. GJMC 15.44.040 (f) is hereby deleted and replaced with:

(f) 307.3 Extinguishment authority. Section 307.3 is deleted and replaced with:

307.3 Extinguishment authority. When open burning or other types of burning creates, or adds to a hazardous situation; or when parameters set forth in this section 307, GJMC 15.44, and the most recently adopted version of the IFC have not been followed or a required permit for the open burning or other burning activities has not been obtained, the Fire Official is authorized to order the extinguishment of the open burning or other burning activities. Extinguishment may be by the permit holder, another competent person or the Fire Department personnel.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this _____ day of _____, 2017.

PASSED, ADOPTED, and ordered published in pamphlet form this ___ day of ___
_____, 2017.

Phyllis Norris
Mayor and President of the Council

ATTEST:

Stephanie Tuin
City Clerk