

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4733

AN ORDINANCE ADOPTING AMENDMENTS TO THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND PRESCRIBING REGULATIONS GOVERNING OUTDOOR BURNING INCLUDING PROHIBITED, 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 International Fire Code (IFC) as a duly authorized designee.

FIRE PIT. (Non-portable, wood burning), 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, wood burning and/or propane/natural gas), A commercially built, above ground portable device regulated as a portable outdoor fireplace according to the International Fire Code. (Examples of portable fire pits include but are not limited to commercially purchased metal or stone chimeneas, portable fire tables, fireplaces and burn bowls utilized for outdoor purposes). Portable fire pits and fireplaces shall not be operated within 15 feet of a structure or combustible material. (See also, Permanent Outdoor Fire Pit or Fireplace.)

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.

PERMANENT FIRE PIT OR FIREPLACE. A permanent outdoor, wood burning or gas fire pit or fireplace is constructed of steel, iron, concrete, clay, masonry or other noncombustible material(s). A permanent outdoor fire pit or fireplace is above ground and purchased or constructed in a manner that attaches the component to a deck, patio or ground such that it is not portable. A permanent outdoor fireplace or fire pit may be open in design or may be equipped with a chimney and/or a hearth. Permanent outdoor fire pits and fireplaces burning gas or wood shall not be operated within 5 feet of a structure or combustible material unless otherwise approved in accordance with the International Residential Code or International Building Code.

RECREATIONAL FIRE. A wood burning outdoor fire, typically in a homemade enclosure constructed of rocks or bricks or other material which the Fire Official deems safe for the purpose. Recreational fires are not portable and burn materials other than rubbish or household waste and the wood being burned is not contained in an incinerator, permanent or portable outdoor fire pit or fireplace, 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. fire pits as defined herein, fire rings or campfires). Recreational fires shall not be conducted within 25 feet of a structure, property line or combustible material. When possible wood burning 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:

(a) natural or synthetic rubber products, including tires;

(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 than 1 acre 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).

(viii) Burning of vegetative material shall:

(A) be allowed during a two-month window in the Spring and a one-month window in the Fall as determined by the Fire Official and stated on the annual burn permit;

(B) 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;

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

(D) 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;

(E) 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;

(F) 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;

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

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

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

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

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

(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.

(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) Propane or natural gas burning permanent and portable fireplaces and fire pits shall be used in accordance with the manufacturers specifications.

(4) Permanent outdoor fire pits and fireplaces burning gas or wood shall not be operated within 5 feet of a structure or combustible material unless otherwise approved in accordance with the International Residential Code or International Building Code.

(5) Portable fire pits and fireplaces burning gas or wood shall not be operated within 15 feet of a structure or combustible material.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

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

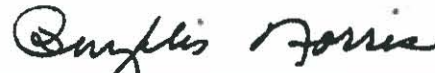
4. GJMC 15.44.040 (f) is hereby deleted and replaced with:

(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.

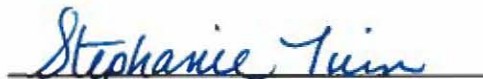
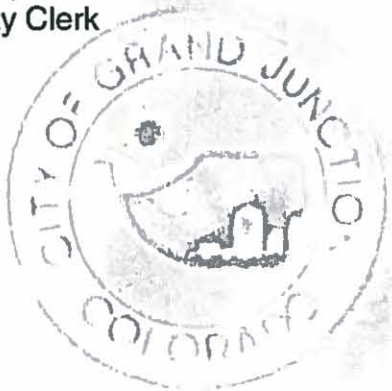
INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 4th day of January, 2017.

PASSED, ADOPTED, and ordered published in pamphlet form this 18th day of January, 2017.



Phyllis Norris
Mayor and President of the Council

ATTEST:


Stephanie Tuin
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4733 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 4th day of January, 2017 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 18th day of January, 2017, at which Ordinance No. 4733 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 27 day of January, 2017.



Stephanie Tuin, MMC
City Clerk

Published: January 06, 2017
Published: January 20, 2017
Effective: February 19, 2017

