

SIDEWALK, OUTDOOR DINING AND PUBLIC GATHERING AREA WASHING ON MAIN STREET AND COLORADO AVENUE – 7<sup>th</sup> to the 2<sup>nd</sup> Street Alignment

Issued by:

  
Gregory O. Trainor, Director of Facilities, Utilities, Sanitation and Streets

Topic:

This regulation construes and interprets 13.28.020(b)(7) of the Grand Junction Municipal Code (GJMC) pertaining to the authority of the City Manager to approve stormwater discharges necessary to protect property and/or public health and safety and 12.16.090 regarding the duty to clean sidewalks.

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the provisions of §12.16.090 and 13.28.020(b)(7) of the Grand Junction Municipal Code ("the Code" or "Code.")

Chapter 12.16 establishes special regulations for the use of streets, sidewalks and other public places. That chapter is incorporated herein by reference as if fully set forth.

Chapter 13.16 establishes special regulations regarding discharges to the storm sewers. That chapter is incorporated herein by reference as if fully set forth

By and through the authority created in 2.12.010, the Director may interpret and implement a means by which competing ordinances are given full and reasonable effect. That process is being utilized here. <sup>1</sup>

Because of the high level of use and the advent of outdoor drinking and dining on Main Street and Colorado Avenue, it is especially important that property owners and/or agents of the owners clean the sidewalks at or near their commercial establishments. Under Chapter 13 the only apparent means to affect the necessary cleaning is by sweeping and/or using a limited amount of water and controlling/preventing the discharge of the same to the storm drain.

According to the outdoor dining lease users of the sidewalk must keep their demised premises clean. The lease provides that the lessee must clean the premises no less than two times per year. Until recently the typical method used for cleaning has been "power washing." Because power washing is now proscribed by Chapter 13, the Director does hereby interpret, construe and deem 13.28.020(b)(7) to be applicable to this situation and because of the public health, safety and welfare considerations and the overall importance of having a clean and inviting public space, the Director endorses and is supportive of the requirements of 12.16.090 of the GJMC.

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<sup>1</sup> The Department Directors of the various departments of the City may promulgate, after public notice, administrative regulations for the purposes of interpreting, clarifying and effectuating the purposes of this code. A violation of an administrative regulation shall constitute a violation of this code. 2.12.010 GJMC

Administrative Interpretation:

The Director hereby determines that for the protection of the general health, safety and welfare of the community, that he will, through the adoption of this administrative regulation, determine that on the City's Main Street and Colorado Avenue from the easterly (outer) boundary of 7<sup>th</sup> Street to and inclusive of the westerly (outer) boundary of the 2<sup>nd</sup> Street alignment, the following standards shall apply:

- 1) A property owner or agent may, at intervals of no more frequently than once per month but at least twice per year, unless an emergency otherwise requires, wash by means of a pressure washer not exceeding 2000 psi at the tip of the washing apparatus the sidewalks, outdoor dining and public gathering areas abutting and/or adjacent to the property.
- 2) Washing, so long as it is accomplished with water and with a soap/detergent from the attached, approved list shall be considered an insignificant contribution of pollution and shall not be subject to GJMC 13.28.020(a).
- 3) The City in cooperation with the DDA may develop a washing schedule. When that schedule is adopted the City will use its equipment to capture the runoff/wash water and reduce or prevent the same from entering the waters of the State.
- 4) At other than scheduled intervals a property owner or agent may wash the sidewalk(s), outdoor dining area(s) and public gathering location(s); however, the owner/agent must be judicious about the amount of runoff and the chemicals used. Preferably one owner should limit the water entering the waters of the State to 100 gallons or less per property, per washing.
- 5) Prior to washing sidewalks, outdoor dining and public gathering areas, the area must be swept or vacuumed to remove trash, food and other organic solids.
- 6) Only biodegradable detergents, used according to the manufacturer's specifications, may be used. A list of approved products is attached. The list is available on the City's website.
- 7) Spill prevention and response training will be provided for property owners or agents.
- 8) Wash water discharges that are determined by the City to contribute a significant amount of pollutants to the waters of the State are prohibited.

This administrative regulation is duly adopted this 22 day of June, 2012.