



City of Grand Island

Tuesday, July 26, 2022

Council Session

Item F-5

#9890 - Consideration of Amendments to Chapters 16, 18, 26, 30 & 32 of the Grand Island City Code Relative to Fees

Staff Contact: Stacy Nonhof, Interim City Attorney

Council Agenda Memo

From: Stacy R. Nonhof, Interim City Attorney

Meeting: July 26, 2022

Subject: Consideration of Amendments to Chapters 16, 18, 26, 30 and 32 of the Grand Island City Code Relative to Fees

Presenter(s): Stacy R. Nonhof, Interim City Attorney

Background

At the July 12, 2022 City Council meeting it was requested that staff review City Code to remove conflicts with the City's Fee Schedule.

Discussion

The following sections of City Code require amendment to eliminate any potential conflict with the City's Fee Schedule.

From the Building Department: §18-24 concerning the filing fee for an appeal to the examining board for mechanical fitters and §26-33 concerning the filing fee for an appeal to the plumbers examining board.

From the Fire Department: §16-11 concerning open burning permit fees and §16-25 concerning fire protection contracts.

From the Public Works Department: §30-45 concerning the discharge fee for a septic tank into the City's treatment works, §32-72.1 the permit fee for use of the public right-of-way and §32-72.8 concerning the permit fee for obstruction of the streets, sidewalks and alleys in the City.

All changes remove a set fee and refer to the Grand Island Fee Schedule or a negotiated contract. That schedule is set separately each year.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the corrections to Grand Island City Code.

Sample Motion

Move to approve ordinance approving corrections to Grand Island City Code.

ORDINANCE NO 9890

An ordinance to amend Chapters 16, 18, 26, 30 and 32 of the Grand Island City Code; to amend Section 16-11 pertaining to Open Burn Permit Fees, Section 16-25 pertaining to Fire Protection Contracts, Section 18-24 pertaining to Filing Fees, Section 30-45 pertaining to Discharge Fee, Section 32-72.1 pertaining to Use of Public Right-of-Way, and Section 32-72.8 pertaining to Permit- Issuance, Fee and Insurance, to repeal Section 16-11, Section 16-25, Section 18-24, Section 30-45, Section 32-72.1 and Section 32-72.8 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 16-11, Section 16-25, Section 18-24, Section 30-45, Section 32-72.1 and Section 32-72.8 of the Grand Island City Code are hereby amended to read as follows:

§16-11. Open Fires; When Allowed; Permit; Fire Locations; Hours of Burning

(1) For purposes of this section, Open Fire shall mean burning under such conditions that the products of combustion are emitted directly into the ambient air.

(2) No person shall cause or permit any open fire within the limits of the City.

(3) Exceptions:

(a) Fires set solely for the outdoor cooking of food for human consumption where no hazard is created;

(b) Fires set with the written permission of the Fire Chief of the City of Grand Island or his or her designated representative and upon receipt of any permit required by the Nebraska Department of Environmental Quality:

(i) for the purpose of training public or industrial fire fighting personnel.

(ii) for essential agricultural operation in the growing of crops where no nuisance or hazard is created.

(iii) for the purpose of destroying dangerous materials or diseased trees.

(iv) for the purpose of clearing land for roads or other construction activity.

(v) for ceremonial, educational, or recreational purposes by a legally established and recognized non-profit organization or governmental entity.

(vi) for the purpose of burning leaves and brush where no hazard is created.

(c) Fires set in operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of the Nebraska Department of Environmental Quality.

(d) For open burning of leaves and brush where no hazard is created during the following periods:

(1) A fourteen (14) day period beginning the third Sunday in April, and

Approved as to Form	▣ _____
July 22, 2022	▣ City Attorney

ORDINANCE NO. 9890 (Cont.)

(2) A fourteen (14) day period beginning the second Sunday in October or as the Fire Chief may designate due to inclement weather during the foregoing specified periods.

(e) For the private, residential use of outdoor fireplaces as defined below and with the following restrictions:

- (i) portable fire pits which are designed and commercially sold to confine outdoor wood fires;
- (ii) chimineas, constructed of clay or some other fire safe material which are designed and commercially sold to confine outdoor wood fires;
- (iii) fire rings which are designed to enclose an outdoor fire with a metal tube, poured concrete, stones, or some other fire safe material partially buried in the ground;
- (iv) all outdoor fireplaces must be at a minimum of fifteen (15) feet distance from any structure, including fences and sheds and placed on a stable, non-combustible surface such as a concrete pad;
- (v) the fuel area for all outdoor fireplaces shall be no more than three (3) feet in diameter and completely enclosed by a non-combustible screening material;
- (vi) the opening in the fuel area must be covered with a screening material constructed of fire safe wire mesh to prevent the passage of sparks and embers;
- (vii) fuel for outdoor fireplaces shall be limited to untreated and/or seasoned wood.
- (viii) fuel that consists of yard waste or wood that is milled, processed, treated, and/or painted is prohibited;
- (ix) while in operation, all outdoor fireplaces shall be continuously monitored by at least one (1) person eighteen (18) years of age or older and an operable garden hose connected to a water supply shall be available for extinguishing flames; and
- (x) outdoor fireplaces shall not be operated when local average wind speed is fifteen miles per hour (15 mph) or greater.

(4) Open fires shall be continuously monitored by at least one (1) person eighteen (18) years of age or older until the fire is extinguished. The person so attending shall have an operable garden hose connected to a water supply or other fire extinguishing equipment readily available for use, and no such fire shall be abandoned until it has been completely extinguished.

(5) Permits to burn leaves and brush shall only be issued to the owner or occupant of private residential property fire locations. Applications for permits may be made only during each open burning period and the week prior thereto. A separate permit shall be required for each open burning period for the activities listed in paragraph (3)(b)(vi) above and shall be maintained in the possession of a person tending the fire at all times.

(6) A separate permit shall be required for any of the activities listed in paragraphs (3)(b)(i), (ii), (iii), (iv), and (v).

(7) Fire locations for leaf and brush piles greater than three (3) feet in diameter or two (2) feet in height must be at least fifty (50) feet away from any structure or other combustible material. Fire locations for leaf and brush piles less than three (3) feet in diameter and two (2) feet in height must be at least twenty-five (25) feet from any structure or other combustible material

ORDINANCE NO. 9890 (Cont.)

unless the fire is contained within an approved burning appliance or barrel with one-half inch (1/2") wire mesh screen covering the entire opening and such container or barrel is located not less than fifteen (15) feet from any structure or other combustible material.

(8) Leaf and brush fires may only occur between the hours of 8:00 a.m. and 8:00 p.m. during the open burning periods as defined in paragraph (3)(d) above.

(9) The Fire Chief of the Grand Island Fire Department may prohibit any and all open burning when he or she determines atmospheric conditions or local circumstances make such fires hazardous.

(10) A permit fee of ~~ten dollars (\$10.00)~~ in accordance with the City of Grand Island Fee Schedule for each open burning period for the activities listed in paragraph (3)(b)(vi) above must be paid by any person or organization seeking a permit prior to its issuance.

(11) A permit fee of ~~ten dollars (\$10.00)~~ in accordance with the City of Grand Island Fee Schedule for each daily occurrence for any of the activities listed in paragraphs (3)(b)(i), (ii), (iii), (iv), and (v) above must be paid by any person or organization seeking a permit prior to its issuance.

§16-25. Fire Protection Contract; Compensation

In the preparation of fire protection contracts for buildings outside the corporate limits of the City, provisions shall be made for compensation ~~to be made to the City on the basis of the City's levy on property within the corporate limits for fire protection purposes, or, in the alternative, a charge of \$200 for all light and ordinary hazard occupancies, or \$400 for all extra-hazard occupancies, whichever computation would provide the most revenue for the City.~~ Standards developed by the National Fire Protection Association shall be used in determining the nature of occupancies under such contracts. based on a mutually agreeable compensation amount, to be negotiated, based on the nature of hazards associated with the building occupancy as determined by the International Fire Code.

§18-24. Filing Fee

Any person who is aggrieved by any decision of the chief building official or his authorized representative relating to the suitability of alternate materials or type of installation or interpretation of any provision of this Code may obtain review of such decision upon filing a written request for review by the Board in the office of the chief building official or his authorized representative within thirty (30) days from the date of such decision and payment of a filing fee as provided in accordance with the City of Grand Island Fee Schedule.

Enforcement of any decision, notice or order of the chief building official or his authorized representative issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

§26-33. Filing Fee

Any person who is aggrieved by any decision of the chief building official or his authorized representative relating to the suitability of alternate materials or type of installation or interpretation of any provision of this Code may obtain review of such decision upon filing a written request for review by the Board in the office of the chief building official or his

ORDINANCE NO. 9890 (Cont.)

authorized representative within thirty (30) days from the date of such decision and payment of a filing fee as provided [in accordance with the City of Grand Island Fee Schedule](#).

Enforcement of any decision, notice or order of the chief building official or his authorized representative issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

§30-45. Discharge Fee

Any person discharging septic tank waste into the wastewater treatment works shall pay the Department at a rate per one hundred gallons of tank capacity (or fraction thereof) as a wastewater disposal charge, ~~the rate to be established by the city council~~ [in accordance with the City of Grand Island Fee Schedule](#).

§32-72.1. Use of Public Right-of-Way

(1) It shall be unlawful for any person, as defined in this Code to use and obstruct for building, construction, demolition or razing purposes any street, alley, or sidewalk, or part thereof, without first securing a permit from the director of public works, pay the fee [in accordance with the City of Grand Island Fee Schedule](#) therefor, and giving bond/proof of insurance, provided:

(A) No permit shall authorize occupancy of any street or sidewalk space, part thereof, other than immediately in front of, or any alley space immediately behind the lot or lots upon which any building or structure is in process of demolition, razing, erection, or other construction is to be done, and in relation to which such permit is issued, unless consented to in writing by the abutting property owner or owners.

(B) During progress of any such operations a sidewalk not less than four feet in width shall be at all times kept open, and protected for the purpose of passage in front of each lot or lots and within the space permitted for occupancy.

(C) Such sidewalk shall be protected by a tight board fence at least four feet in height, and when deemed necessary and required in the permit by the director of public works, by a tight board fence of such additional height and an adequate tight board roof.

(D) Nothing herein shall be construed to prohibit the maintenance of necessary driveways and gates for the delivery or removal of material across such sidewalks to or from the building, construction, demolition or razing site, provided, a watchman is stationed at the sidewalk to warn and protect the public.

(2) No permit, as provided above, shall be required for any roll off box owned and provided by a collector licensed pursuant to Chapter 17, Article II of the City Code. All other provisions of Chapter 32, Article VII, relating to use of public right-of-way shall apply to any roll off box which is used upon and obstructs any street, alley or sidewalk or part thereof.

§32-72.8. Permit - Issuance, Fee, and Insurance

(1) Permits for obstructions of streets, sidewalks, and alleys shall be issued by the director of public works. The fee for a permit shall be in accordance with the City of Grand Island Fee Schedule, and shall be paid when the permit is obtained. If work is commenced prior to application for the permit, an investigation fee [in accordance with the City of Grand Island](#)

ORDINANCE NO. 9890 (Cont.)

Fee Schedule in addition to the permit fee ~~in the same amount as the permit fee~~ shall be assessed. Each permit shall expire six months from date of issuance.

(2) No permit shall be issued until the applicant therefore shall have executed and delivered to the director of public works, proof of insurance to be approved by the city attorney and filed with the city clerk, as follows:

- (a) Worker's Compensation Insurance in compliance with the laws of the State of Nebraska, and Employees Liability Insurance.
- (b) Public Liability and Property Damage Insurance covering with limits as follows:
 - (i) Where work is to be performed in Light Business (B1) Zone, General Business (B2) Zone, Heavy Business (B3) Zone, Light Manufacturing (M1) Zone, Heavy Manufacturing (M2) Zone, Commercial Development (CD) Zone, or Industrial Development (ID) Zone, with limits of not less than \$25,000 for each person; \$50,000 for more than one person for each occurrence for bodily injury and death; and property damage limits of not less than \$10,000; and
 - (ii) Where work is to be performed in Transitional Agriculture (TA) Zone, Suburban Residential (R1) Zone, Low Density Residential (R2) Zone, Medium Density Residential (R3) Zone, High Density Residential (R4) Zone, Residential-Office (RO) Zone, or Residential Development (RD) Zone, with limits of not less than \$5,000 each person; \$10,000 for more than one person for each occurrence for bodily injury and death; and property damage limits of not less than \$5,000; and, in any instance, in such additional amounts as specified and required by the public works director when authorizing the work.
- (c) Automobile liability insurance with limits of \$10,000 each person, and \$20,000 each accident for bodily injury or death; and \$5,000 each accident for property damage, or such additional amounts as specified by the public works director when authorizing the work.

SECTION 2. Section 16-11, Section 16-25, Section 18-24, Section 30-45, Section 32-72.1 and Section 32-72.8 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 9890 (Cont.)

Enacted: July 26, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk