

OCTOBER 2003

OPEN FLAME AND GAS GRILLS CHANGE IN LAW AFFECTS CONDOMINIUM COMMUNITIES

By: Kimberley M. O'Halloran-Cordray, Esquire

On October 1, 2003 two significant changes to the Virginia Statewide Fire Prevention Code (VSPFC) were enacted concerning open flame and gas grills. These changes directly impact many condominium communities and are enforceable by all cities, towns and counties in the Commonwealth of Virginia.

Effective October 1, 2003, it is prohibited to operate charcoal burners, open-flame cooking devices and certain gas fueled cooking devices on combustible (i.e. wooden) balconies or within ten feet of combustible construction. With respect to gas or propane grills, only those grills with a tank capacity of 2.5 pounds or less can be operated on combustible balconies or within 10 feet of any combustible construction.

Single family, duplex and townhome dwellings are exempted from the new law. Also, those buildings with an automated sprinkler system are exempted from the new law.

Generally, a standard gas or propane tank has a capacity of 10-25 pounds. Accordingly, these new changes to the Statewide Fire Prevention Code effectively

prohibit residents from using any charcoal grill and any standard-sized gas grill on a wooden balcony or within ten feet of any dwelling with wood or vinyl siding. Under the new law, only gas or propane grills of the mini-grill variety can be used on a wooden balcony or within ten feet of any dwelling with wood or vinyl siding.

We recommend that our clients confer with the Fire Marshal's office in the jurisdiction in which the property is located to confirm that their community is affected by these new laws. Specifically, our clients should confirm with their local Fire Marshal that the sprinkler system installed at the property meets the requirements to be exempted from the application of this law.

We further recommend that our clients inform residents about the change in the law, and take adequate and reasonable steps to ensure compliance with the law.

Please contact any one of our community association attorneys if you have questions about the application of these changes to the Statewide Fire Prevention Code in your community.

October 2003

2 Rees, Broome & Diaz, P.C.

S:\Assoc. Monthly Memos\2003\October 2003 - Grills, Balconies.doc