



Barbeque Grill Safety and Fire-Life Safety Code Requirements

for

Apartments & Condominiums

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What are the dangers of using gas and charcoal type barbeque grills, and similar devices if I live in an apartment building, condo or other multi-family residence with a balcony?

According to 2012 NFPA 1, Chapter 10, section 10.11.6.2 from the 2013 Florida Fire Prevention Code, here is an explanation:

1. **10.11.6** *For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft. (3 m) of any structure.*

Note: Per Florida Statute §83, the owner, landlord, registered agent, of an apartment building, and/or condominium association governance board, by charter or by a majority of their respective vote, shall reserve the right to prohibit any open cooking grills that are above and beyond the provisions of this code. Before you sign a lesser/lessee contract or purchase a condominium, read the contract or covenant prior to signing. Otherwise adhere to the rules as promulgated.

2. The management of multi-family apartments or condominium associations that have balconies shall notify their tenants in writing, (*preferably placed as a binding stipulated agreement in the written lease agreement*) detailing this requirement prior to the prospective tenant renting the apartment. Those tenants who violate the agreement may be issued a warning notice by the apartment manager or condominium association to remove such items within a specific time frame. Pursuant to Florida Statute §83 regarding the rights of the Landlord and Tenant, the manager may then proceed with eviction of the lessee.
 - **Under the provision of Florida Statute §162, the lessee cannot be summoned to the Municipal Code Enforcement Board since the property owner (lesser) is ultimately responsible for the violation incurred by the lessee. If the lessee is culpable for their rented**

space to cause such notice, that lessee may face punitive action up to eviction as outlined in their signed rental agreement and pursuant to FS §83. Furthermore, the lessee may face costs incurred by the landlord forfeiting their security deposit and beyond.

3. Those tenants who own their respective apartments and ignore warnings by the association or property management, and furthermore do not take the notice seriously, the association and/or said property manager may contact the Port Orange Fire Marshal where enforcement proceedings may include, but not limited to, taking the subject owner of the apartment to the City of Port Orange Code Enforcement Board pursuant to the enforcement and punitive fines as outlined in Florida Statute §162. This action does not preclude any and all punitive fines issued by the condominium association independent or above said fines levied under §162.



With regard to fire safety, what are some of the rules and restrictions that may be applied if I am the property manager, registered agent, or owner for an apartment, condominium, or other multi-family residences?

1. No amount of flammable liquids in any type container should be kept by the tenant/lessee in their apartment or any non-fire rated storerooms. This includes but not limited to, the parking of motorcycles or stored lawn service equipment within the confines of an apartment.
2. Amounts required for maintenance operations may be kept by the management if they are stored in their proper containers remote from any residence occupancy such as a storage shed or garage.
3. If an amount greater than five gallons is required, flammable and combustible liquids **must** be kept in a proper container stated for such liquids, and properly stored in an exterior storage room preferably remote from any living areas. If storage exceeds 20 gallons of flammable/combustible liquid, an approved flammable storage safety cabinet is required. The storage room should be of 4 hour fire resistive construction, or, 2 hour fire rated if such room is equipped with an automatic sprinkler system. This includes proper explosion proof electrical installation within the confines of the room, and properly vented as per most current edition of the Florida Building Code (Mechanical section).
4. Fire doors must not be blocked open. This includes doors opening onto stairwells, fire doors dividing basements, and other sections of the building, furnace doors, storage room doors, access to trash chute rooms, and similar

locations. It is important that these doors be clearly marked with an appropriate sign, stating: "FIRE DOOR, DO NOT BLOCK OPEN."

5. No storage of any kind is permitted in stairwells and exit ways. This includes but not limited to bicycles, tricycles, baby carriages, or combustible furnishings in particular. *The exception to the aforementioned requirement is if such non-combustible storage room is built under the stairwell, such addition shall conform to the current editions of the Florida Building Code and Florida Fire Prevention Code. Plans and permits are required prior to construction if the building administration or board of directors chooses such an option.*
6. No storage of any type is permitted in electrical, heating and air conditioning rooms, which includes individual apartment or condominium units.
7. Storage rooms must be kept in a neat and orderly condition. Old newspapers, rubbish, and trash shall not be stored unless in covered metal containers.
8. Lint buildup from gas and/or electric clothes dryers poses a possible ignition hazard. Commercial dryers located in common areas, and within each unit of an apartment building, must provide an exterior vent system conduit from the dryer exhaust port, leading directly to the outside. Two common issues of fire initiation from clothes dryers are; (1) the collapse of the tumbler system from a mechanical/systems malfunction or, (2) heavy accumulation of combustible lint in the basket near internal ignition sources such as internal pilot light or hot electric heating elements. This is why we encourage frequent lint removal to prevent excess buildup that have resulted in residential fires.
9. Apartment building numbers must be clearly posted and visible from the street.
10. Make sure all smoke alarms are tested at least bi-annually when you change your clock.
11. Fire extinguishers shall be tagged and inspected annually or after each usage, by an approved and certified fire safety equipment company annually.
12. In addition to the fire extinguishers, common area fire alarms and fire suppression systems, if applicable, shall be tested and certified once per year by an approved fire alarm service as per Florida Law.

MAINTENANCE

The owner/occupant shall be responsible for the safe and proper maintenance of the building, structure, premises, or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, fire and smoke alarms, devices and safeguards required by the fire prevention code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

OCCUPANT/LESSEE RESPONSIBILITY

If an occupant of a building creates conditions in violation of the fire prevention code by virtue of improper storage, handling and use of substances, materials, devices and appliances, that occupant can and shall be held responsible for the abatement or

removal of such conditions. The landlord, or other designated represented property management agent, by Florida Statute §83, may demand cost reimbursement(s) to compensate for damages occurred at the fault of the lessee.

The fire marshal **will not** intervene when it comes to their signed landlord-tenant agreement nor, if costs are demanded by the landlord or property management agent as a result of the lessee damaging their lease space. You, as the lessee, must understand the lease agreement signed prior to you moving into the space and as the lessee, you are then held accountable for the upkeep of the unit you lease.

For additional inquiries please contact:

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