

To: Mayor Brown and Members of Council
From: Rules and Law Committee, Maggie Palazzolo – Chairman
Date: October 12, 2020
Re: Grills on Balconies

The Rules and Law Committee Met on Thursday October 8, 2020 at 1:30PM via Zoom. Present at the meeting were Rob Bartlet, Marcy Lewis, Maggie Palazzolo and Assistant File Chief Tim Feichtner. (The meeting ended at 2:30, but this portion only lasted about 20 minutes.)

The first topic discussed was the use of grills on balconies. Our current code prohibits this, but some of the owners of condos paid to have a natural gas line run to their balconies and had sprinklers installed. The state fire code allows for grills on patios and balconies as long as those two conditions are met (permanent gas line and sprinkler). Assist. Fire Chief Feichtner stated that he thinks it is appropriate to change our code to match the state code, but he would like to add the requirement that each resident with a grill on their balcony also have a mounted fire extinguisher. The committee unanimously supports this recommendation.

In addition, to clarify our code, the committee recommends that Section 91.36,c,5 be changed to read "no fire pits of any sort are permitted in multi-family dwellings" rather than "wood burning fire pits", remove the word "patios", and add a requirement that fire pits on patios need to be 10 feet away from the dwelling.

It is recommended that the Solicitor prepare the necessary legislation.

Our current Code:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.

(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree.

(R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric grills is permitted on balconies of multi-family units, provided, the grills are inspected and approved by the Fire Department for the village. For purposes of this section, a *MULTI-FAMILY UNIT* shall be defined as when

multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame **grills** of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the **grill** is located ten feet or more from the structure, whether owner occupied or a rental tenant.

(4) The storage of gas or charcoal **grills** and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor wood-burning fire pits are permitted on the balconies, porches, or patios of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

Statutory reference:

Fire Code violations, see R.C. §§ 3737.41 et seq.

State Fire Code, see O.A.C. Ch. 1301:7-7

Proposed Changes:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

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(2) (a) The storage and use of electric **grills** is permitted on balconies of multi-family units, provided, the **grills** are inspected and approved by the Fire Department for the village. For purposes of this section, a **MULTI-FAMILY UNIT** shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame **grills** of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the **grill** is located ten feet or more from the structure, whether owner occupied or a rental tenant or the grill is permanently installed with a natural gas line and the unit is equipped with a sprinkler system. (We will use the language in the state code, but this is approximately what it will say.)

(4) The storage of gas or charcoal **grills** and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor ~~wood-burning~~ fire pits of any kind are permitted on the balconies, porches, or patios of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

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Respectfully Submitted,

Maggie Palazzolo, Chairman

Marcy Lewis, Vice-Chairman

Rob Bartlett, Member