

Barbecues, Grilling, and your Community Association: Local Rules You Need to Know

Summer is officially here and the Fourth of July is right around the corner. Along with pools and other activities, grilling and hosting barbecues are two of America’s favorite summer pastimes. These activities present great opportunities for owners to get outside on their own properties or the common elements/areas, for the association to host social gatherings, and for residents to enjoy themselves. Community associations, their boards of directors, and their managers, however, need to be aware of the restrictions contained in state and local law, and their respective community association’s governing documents relating to grilling. Most often, these restrictions relate to fire safety. To ensure compliance with legal obligations and to keep residents and their guests safe, board members and managers must understand and appreciate these restrictions. It is important for owners and residents to understand these restrictions, too.

Whiteford, Taylor & Preston, LLP serves community associations throughout Delaware, the District of Columbia, Maryland, and Virginia. Each of these jurisdictions has its own fire prevention code. Many of the localities within the jurisdiction either adopt the statewide code, or do so with certain revisions. With some exceptions, localities that adopt and revise a statewide code tend to have more restrictive or extensive fire prevention regulations than what is required by the state. To assist your community association with its grilling questions, we have compiled a list of the local laws or ordinances related to grilling in select local jurisdictions.

DELAWARE			
Jurisdiction	Outdoor grilling	Storage of flammable fuels	Exceptions
<p>Statewide</p> <p>Delaware has adopted the National Fire Protection Association Fire Code, NFPA 1 (2015).</p> <p>707-7-1.0 DEL. ADMIN. CODE § 1.1 (2017) (“Delaware State Fire Prevention Regulations”).</p>	<p>No hibachi, grill, or other similar devices used for cooking shall be used or kindled on any balcony, under any overhanging portion, or within 10ft of any structure.</p> <p>No hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.</p>	<p>Outside storage of combustible materials shall not be located within 10ft of a property line and shall not be stored beneath a building unless the building is specifically constructed for that purpose.</p> <p>Storage of cylinders within a residential building, including the basement or any storage area in a common basement of a multiple-family building and attached or detached garages, shall be limited to cylinders each with a maximum</p>	<p>Provisions do not apply to one and two family dwellings.</p> <p>Equipment permanently installed in accordance with its listing, applicable codes, and manufacturer’s instructions shall be permitted.</p>

		water capacity of 2.7 lb. and shall not exceed 5.4 lb. aggregate water capacity per each living space unit.	
Kent *The city of Dover has adopted some different regulations.	This jurisdiction follows the Delaware State Fire Prevention Regulations.		
	Dover: Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. Dover, DE Mun. Code § 46.5(e)(1).	Dover: In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Dover, DE Mun. Code § 46.5(e)(1).	
New Castle	This jurisdiction follows the Delaware State Fire Prevention Regulations.		
Sussex	This jurisdiction follows the Delaware State Fire Prevention Regulations.		

DISTRICT OF COLUMBIA			
Jurisdiction	Outdoor grilling	Storage of flammable fuels	Exceptions
D.C. D.C. has adopted the International Fire Code (2006) with certain revisions. D.C. CODE MUN. REGS. tit. 12H § F-101H <i>et seq.</i> (2008) (“D.C. Fire Prevention Code”).	Charcoal grills on balconies of any. Grills with gas burners or tanks are not allowed on rooftop terraces or on combustible balconies. Grills with gas burners or tanks are not allowed within 10 feet of combustible construction.	LP-gas burners with tanks shall not be located on rooftop terraces, combustible balconies or within 10 feet (3048 mm) of combustible construction. Storage of cylinders within a residential building, including the basement or any storage area in a common basement of a multiple-family building	-Single family homes -Where buildings, balconies and decks are protected by an automatic sprinkler system. -Natural gas grills approved and installed in accordance with the Construction Codes, provided that such grills are installed on a non-combustible surface and located 10 feet

		and attached or detached garages, shall be limited to cylinders each with a maximum water capacity of 2.7 lb. and shall not exceed 5.4 lb. aggregate water capacity per each living space unit.	(3048 mm) or more from any combustible construction.
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MARYLAND			
Jurisdiction	Outdoor grilling	Storage of flammable fuels	Exceptions
<p>Statewide</p> <p>Maryland has adopted the National Fire Protection Association Fire Code, NFPA 1 (2015).</p> <p>Md. Code Regs. 29.06.01.01 <i>et seq.</i> (2017) (“State Fire Prevention Code”).</p> <p><i>See also</i> MD. CODE ANN., PUB. SAFETY § 9-1001 (2017).</p>	<p>No hibachi, grill, or other similar devices used for cooking shall be used or kindled on any balcony, under any overhanging portion, or within 10ft of any structure.</p> <p>No hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.</p>	<p>Outside storage of combustible materials shall not be located within 15ft of a property line and shall not be stored beneath a building unless the building is specifically constructed for that purpose.</p> <p>Storage of cylinders within a residential building, including the basement or any storage area in a common basement of a multiple-family building and attached or detached garages, shall be limited to cylinders each with a maximum water capacity of 2.7 lb. and shall not exceed 5.4 lb. aggregate water capacity per each living space unit.</p>	<p>Provisions do not apply to one and two family dwellings.</p> <p>Equipment permanently installed in accordance with its listing, applicable codes, and manufacturer’s instructions shall be permitted.</p>
Allegany County	This jurisdiction follows the State Fire Prevention Code.		
Anne Arundel County	This jurisdiction has adopted the State Fire Prevention Code with	This jurisdiction has adopted the State Fire Prevention Code with	

	<p>respect to outdoor grilling, <i>but explicitly permits electric grills or similar appliances where no open flame is produced.</i></p> <p>Anne Arundel Cnty. Mun. Code. § 10.11.7.</p>	<p>respect to storage of flammable fuels, <i>except that flame producing cooking devices are prohibited within 15 feet of any structure.</i></p> <p>Anne Arundel Cnty. Mun. Code. § 10.11.7.</p>	
Baltimore City	<p>Charcoal burners and other open-flame cooking devices may not be operated on combustible balconies or within 10 ft. of any combustible construction or property line.</p> <p>Baltimore City Mun. Code § 308.1.4.</p>	<p>Storage or use of LP gas containers of any size in assembly building or in any assembly are of a building is prohibited.</p> <p>Baltimore City Mun. Code § 308.3.</p>	
Baltimore County	<p>Except for 1 and 2 family dwellings, no hibachi, gas fired grill, charcoal grill, electric grill, deep fryer, fuel fired heating or cooking device, or other similar devices used for cooking, heating, or any other purpose, can be used, stored, or kindled on any balcony or on any patio, under any overhanging portion of the structure, or within 15 ft. of any multi-family occupancy.</p> <p>Baltimore Cnty. Fire Prevention Code, ch. 10.</p>	<p>This jurisdiction has adopted the State Fire Prevention Code with respect to storage of flammable fuels.</p>	
Calvert County	<p>This jurisdiction follows the State Fire Prevention Code.</p>		
Caroline County	<p>This jurisdiction follows the State Fire Prevention Code.</p>		

Carroll County	This jurisdiction follows the State Fire Prevention Code.		
Cecil County	This jurisdiction follows the State Fire Prevention Code.		
Charles County	This jurisdiction follows the State Fire Prevention Code.		
Dorchester County	This jurisdiction follows the State Fire Prevention Code.		
Frederick County	This jurisdiction follows the State Fire Prevention Code.		
Garrett County	This jurisdiction follows the State Fire Prevention Code.		
Hartford	This jurisdiction follows the State Fire Prevention Code.		
Kent County	This jurisdiction follows the State Fire Prevention Code.		
Montgomery County	<p>The use of charcoal burning, other fuel burning or electric cooking equipment outside of any multi-family dwelling shall be prohibited unless such cooking equipment is at least twenty (20) feet from every part of the building.</p> <p>Montgomery Cnty. Mun. Code, ch. 22 § 22-81.</p>	<p>Generally, the storage and handling of flammable and combustible liquids shall be in accordance with State Fire Prevention Code</p> <p>The storage in excess of five (5) gallons of class I flammable liquids shall be prohibited in all dwellings, dwelling units, apartment houses, hotels and other residential occupancies.</p> <p>Montgomery Cnty. Mun. Code, ch. 22 § 22-44.</p>	<p>*Exceptions for outdoor grilling only*</p> <p>-townhouses, row houses, or other multi-family dwellings where all dwelling units are side by side and non are superimposed above another.</p>
Ocean City	This jurisdiction follows the State Fire Prevention Code.		
Prince George’s County	<p>Charcoal burning and electric grills are prohibited on the balconies of apartments and condominiums.</p> <p>Charcoal burning and</p>	<p>This jurisdiction has adopted the State Fire Prevention Code with respect to storage of flammable fuels.</p>	

	electric grills may not be used within 30 ft. from buildings. Prince George's Cnty. Fire Safety § 11-269.		
Queen Anne's County	This jurisdiction follows the State Fire Prevention Code.		
Saint Mary's County	This jurisdiction follows the State Fire Prevention Code.		
Somerset County	This jurisdiction follows the State Fire Prevention Code.		
Talbot County	This jurisdiction follows the State Fire Prevention Code.		
Washington County	This jurisdiction follows the State Fire Prevention Code.		
Wicomico County	A person may not use a barbecue grill on a balcony of a residential dwelling or within 20 feet of any part, including a balcony, of a residential dwelling. MD. CODE ANN., PUB. SAFETY § 9-1001 (2017).	Storage of flammable or combustible liquids above ground is prohibited within fire zone limits as established in the county. Wicomico Code § 144-6 § 144-6.	
Worcester County	This jurisdiction follows the State Fire Prevention Code.		

Virginia			
Jurisdiction	Outdoor grilling	Storage of flammable fuels	Exceptions
Statewide Virginia has adopted the International Fire Code – 2012 Edition. 13 Va. Admin. Code. § 5-51-11 <i>et seq.</i> (2017) ("Statewide Fire Protection Code").	Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.	With a gas grill, the grill may be stored on a balcony after its tank is disconnected, however the tank cannot be stored on the balcony, within 10 feet of combustible construction, or inside any enclosed structure such as the dwelling unit.	*Exceptions for outdoor grilling only* -1 and 2 family dwellings. -where buildings, balconies, or decks are protected by an automatic sprinkler system.

			<p>-LP gas cooking devices having a water capacity not greater than 2.5lb.</p> <p>-Electric grills allowed.</p>
Alexandria	This jurisdiction follows the Statewide Fire Prevention Code.		
Arlington County	<p>Cooking devices cannot be operated or stored on any balcony, rooftop, or deck of any building, or within 15 feet of combustible construction or a residential building, hotel, or motel.</p> <p>Arlington Cnty. Mun. Code, ch. 2, § 8.1-22 (2009).</p>	<p>This jurisdiction follows the Statewide Fire Prevention Code with respect to storage of flammable fuels.</p>	<p>*Exceptions for outdoor grilling only*</p> <p>-1 and 2 family dwellings</p> <p>-Buildings, balconies and decks with an automatic sprinkler system, or</p> <p>-Non-combustible balconies, decks, and rooftop patios with cooking devices using an approved and permanently installed natural gas system as its only means of heating fuel, and is</p> <ol style="list-style-type: none"> 1. Listed by a nationally recognized testing authority 2. Securely mounted to prevent overturning 3. Properly installed in accordance with the manufacturer's installation instructions, 4. and approved, permitted, and inspected by the Arlington County Building Code Official.
Caroline County	Jurisdictions in Caroline County follow the Statewide Fire Prevention Code.		
Chesapeake	This jurisdiction has adopted the Statewide Fire Prevention Code.		

Fairfax County	<p>Cooking devices cannot be operated or stored on a balcony or deck, or within 15 feet of combustible construction or residential occupancy.</p> <p>Fueled equipment such as portable cooking equipment cannot be stored, operated, or repaired within a building.</p> <p>Fairfax Cnty. Mun. Code. § 62-2-8.</p>	This jurisdiction follows the Statewide Fire Prevention Code with respect to storage of flammable fuels.	<p>*Exceptions for outdoor grilling only*</p> <p>-Cooking devices using electricity as a heating source and listed by a recognized testing authority.</p> <p>-Detached two one- and two-family dwellings and townhouses.</p>
Fauquier County	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Fredericksburg	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Hampton	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Loudoun County	<p>Open flame cooking grills, including gas or charcoal grills, hibachis, or similar cooking devices cannot be operated on balconies or within 15 feet of any combustible construction.</p> <p>Loudoun Cnty. Mun. Ord. 11-02 § 1602.11.</p>	This jurisdiction follows the Statewide Fire Prevention Code with respect to storage of flammable fuels.	<p>*Exception for outdoor grilling only*</p> <p>-one and two family dwellings.</p>
Newport News	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Norfolk	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Orange County	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Prince William County	This jurisdiction has adopted the Statewide Fire Prevention Code with respect to outdoor grilling and also	This jurisdiction follows the statewide fire prevention code with respect to storage of flammable fuels.	

	<p>provides that no charcoal cooker smoker grill or any flammable liquid or liquefied petroleum gas fired stove or similar devices shall be ignited or used on balconies or spaces under balconies of multifamily dwellings unless approved by the Fire Marshall.</p> <p>These devices may be used at ground level if greater than 15 feet from any structure.</p> <p>Prince William Cnty. Mun. Code. ch. 9, § 9.1-45.</p>		
Portsmouth	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Spotsylvania County	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Stafford County	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Suffolk	This jurisdiction has adopted the Statewide Fire Prevention Code.		
Virginia Beach	<p>This jurisdiction follows the Statewide Fire Prevention Code with respect to outdoor grilling.</p>	<p>The storage of combustible or flammable materials shall be confined to approved storage areas. Combustible or flammable materials shall not be stored under interior or exterior stairwells unless the area under the stairwell is protected by an approved fire suppression sprinkler system.</p>	

		Va. Beach. Mun. Code. ch. 12, § 12-43.4.	
Williamsburg	This jurisdiction has adopted the Statewide Fire Prevention Code.		

As stated above, many community associations also have grilling rules or restrictions within their own governing documents or condominium instruments. Board members and managers should review these provisions carefully. Legal counsel and the local fire marshal’s office are also good resources with regard to these issues. If your association would like legal counsel to assist with a grilling issue in your community, please do not hesitate to contact counsel at Whiteford, Taylor & Preston, LLP.