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Grill Use and Storage in Condominium and Townhome Communities - What Should Owners Expect?

With the Fourth of July just around the corner, grilling season is officially in full swing! Before you hit the ignition switch, however, be sure to review your community rules and be aware of restrictions in your local code and Georgia law, especially if you live in a townhome or condominium. This is because many associations restrict the use of grills on balconies and/or within a certain distance from combustible structures. Further, Georgia regulations place restrictions on grill-related maintenance and activities on balconies, as do some local ordinances.

Although grills pose a similar fire risk for any type of property, their use is understandably more scrutinized in a multi-family setting. One accident can quickly impact a neighbor or an entire building. This is why townhome and condominium associations place restrictions on grill usage. In addition, master policy insurance carriers may also be concerned with grills at these types of

properties. Some carriers have even required removal of all grills from balconies and decks to provide coverage, regardless of what the governing documents may allow.

Another source of restrictions may come from the local municipality in the form of fire codes and/or safety ordinances. If you are unsure whether grills are permitted at your community (i.e. because of the governing documents and/or insurance requirements), the local fire marshal may be able to save you some trouble if, in his or her opinion, using a grill would constitute a code violation.

Owners should also be aware that Georgia regulations restrict grill usage and maintenance on balconies. Specifically, § 120-3-3-.04(5)(a) prohibits charcoal or liquefied petroleum or liquid fuel burners from being kindled or maintained on balconies or within ten feet (10') of combustible patios on ground floors. The Georgia Office of Insurance and Safety Fire Commissioner published an opinion regarding the provision, clarifying that the intent behind the provision is to eliminate the kindling of a grill on balconies or within ten feet (10') of combustible patios on ground floors. In other words, a grill, itself, can be stored on a patio without creating a hazardous condition. Likewise, a liquid fuel burner or liquefied petroleum gas can be stored on a balcony if the fuel source is removed from the grill and properly stored away. A hazardous condition is only created when these items are stored in a combined fashion and/or the grill is kindled on the balcony.

Keep in mind that an association's governing documents can be more restrictive than state and local standards. This means that your community could still prohibit grills despite the state's regulation authorizing grills to be stored on balconies. While no one wants to dampen this indispensable part of summer, boards and property managers may need to regulate grill usage if doing so in the best interest of the community.

Coulter & Sierra, LLC specializes in community association law. We represent communities of all types and sizes throughout metro Atlanta and Georgia. We believe in providing expert, efficient and cost-effective services to our clients. Let us know how we can help you!

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Coulter & Sierra, LLC
2800 Century Parkway; Suite 275
Atlanta, Georgia 30345
P: 404.554.2071
F: 404. 477. 6360
www.coultersierra.com

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