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## Barbeques on Balconies

In the 2016 edition of the California Fire Code adopted by the City of Larkspur and the Town of Corte Madera contains a provision involving the use of barbeques on exterior decks. This provision might affect what has been the past practice involving the use of barbeques in your complex. The provisions affect this activity on specified balconies, patios, and decks of residential structures having more than two dwelling units. These include apartments, condominiums, and townhouses (except townhouses located on individual parcels separated by recorded property lines). There are certain exceptions that allow the continued use of barbeques.

The following are the applicable sections from the California Fire Code: **§308.1.4 Open flame cooking devices**. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

### Exceptions:

1. One and two-family dwellings.
2. Where buildings, balconies, and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2.5 pounds [nominal 1 pound LP-gas capacity].

**§308.3.1.1 Liquefied-petroleum-gas fueled cooking devices**. LP-gas burners having an LP- gas container with a water capacity greater than 2.5 pounds [nominal 1 pound LP-gas capacity] shall not be used on combustible balconies or within 10 feet of combustible construction.

Summary of these code sections

**Charcoal Barbeques** – It is acceptable to store the barbeque unit on a combustible balcony but it is not acceptable to operate it on a combustible balcony or within 10 feet combustible construction (which includes walls and overhangs above). It is acceptable to operate the barbeque on a balcony if the balcony, deck, overhangs, and adjacent walls are of non- combustible

construction or if the balcony is protected by an automatic fire sprinkler system.

**Liquefied Petroleum Gas (LPG/Propane) Barbeques** – It is not acceptable to operate an LPG barbeque with a propane fuel container size greater than 2.5 pounds water capacity [nominal 1 pound LP-gas capacity] on a combustible balcony or within 10 feet of combustible construction (which includes walls and overhangs above). There is no exception for automatic fire sprinklers.

**LPG Barbeques with a maximum 2.5-pound water capacity** - Can be used with no restrictions.

**Electric Barbeques** – Can be used with no restrictions.

**Natural Gas Fueled Barbeques** – Are allowed but subject to the provisions outlined in 308.1.4 (shown above).

**Non-combustible Construction** – Includes materials such as stucco or masonry walls and ceilings, and concrete or tiled floors.

### **Limited Enforcement Capabilities**

The Central Marin Fire Department utilizes an enforcement posture generally consistent with the other fire agencies in our region.

The Fire Department is not adequately staffed to handle individual complaints when actively occurring. Additionally, we do not have the legal authority to enter a private dwelling to conduct a routine investigation based on a complaint. As outlined above, in certain circumstances, barbeques continue to be permitted on exterior balconies, patios, and decks.

Because barbeques are permitted in some cases as outlined in previous sections, the Fire Department will not investigate each separate occurrence in progress. Additionally, a building tenant is not the appropriate party to be contacted. At the earliest practical time, the Fire Department will contact the property owner of record and advise of the code provisions. The property owner potentially faces additional enforcement action as warranted based on the circumstances.

To file a complaint, contact the Fire Marshal with the address and date of the suspected infraction. Additionally, provide your name, address, and phone number, in the event we need to obtain additional information. We will then contact the property owner.