



NEW YORK STATE DEPARTMENT OF STATE

Division of Code Enforcement and Administration

Phone : (518) 474-4073
www.dos.state.ny.us

Fax : (518) 486-4487
E-mail: info@dos.state.ny.us

TECHNICAL BULLETIN

Effective Date: January 1, 2003

Source Document: 19NYCRR 1225 - *Fire Code of New York State (FCNYS)*

Topic: Prohibition of barbeque grills on combustible balconies and decks

This document provides that the following FCNYS sections are applicable. FCNYS section 102.2 provides that “the provisions of this code shall apply” to existing conditions and the use of barbeque grills is a “condition or use.”

FCNYS section F307.5, *open-flame cooking devices*, prohibits charcoal burners (barbeque grills) and other open-flame cooking devices on combustible balconies and decks or within 10 feet of combustible construction, except for one- and two-family dwellings (and except where buildings, balconies and decks are protected by an approved automatic sprinkler system).

Furthermore, FCNYS section F307.5.1, *liquefied-petroleum-gas-fueled cooking devices*, states that LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound LP-gas capacity] shall not be located on combustible balconies or within 10 feet of combustible construction, except for one-and two-family dwellings.

The FCNYS section 3801.1 references the *National Fire Protection Association (NFPA)* standard 58, entitled “Standard for the Storage and Handling of Liquefied Petroleum Gases.” The overfill protection device required on LPG tanks is required through incorporation of this national standard. Although the device protects against the overfill of such tanks, it is not a protection against accidents.

Prior to January 1, 2003, the Uniform Fire Prevention and Building Code referenced NFPA-58 and for over 10 years the standard also prohibited LPG tanks on balconies (except if there were outside stairs). LPG can be very dangerous. It is under high pressure and is heavier than air. For many years there have been distance requirements depending on the volume of the tank, proximity to buildings, and proximity to air intakes and openings in buildings. There is a greater property and life safety hazard in a multiple dwelling. LPG containers are prohibited from being inside a building or on the roof. They cannot be carried through a building because if there is an accidental release, the heavier than air vapors will sink. This can lead to an explosion if the vapors reach an open flame, such as water heater pilot.

Ronald E. Piester, R.A., Director
Division of Code Enforcement and Administration