



Building Standards and Codes

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TECHNICAL BULLETIN

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Source Document: 19 NYCRR PART 1225 – FIRE PREVENTION²

Topic: Open flame cooking devices on combustible balconies and decks

This document is to clarify the use of charcoal and other open flame cooking devices on balconies and decks.

Section 308.1.4 of the 2015 International Fire Code (2015 IFC) states:

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 2½ pounds.
[Nominal 1 pound LP-gas capacity]*

There is some confusion in relation to exception 1 and what type of buildings this applies to. Exception 1 indicates “one- and two-family dwellings”.

Dwelling is defined in Chapter 2 of the 2015 IFC as “A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.”

Dwelling Unit is defined in Chapter 2 of the 2015 IFC as “A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.”

Therefore, the exception can be understood to read: one- and two-family buildings containing one or two single units providing complete independent living facilities for one or more persons, including townhouses properly separated by fire-resistant common walls (per Section R302.2 of the 2015 International Residential Code). Based on this combination of definitions, a building containing more than two independent living units would not meet this exception.

Many questions are asked about dwelling units in apartment houses classified as group R-2 occupancies. Chapter 2 of the 2015 IFC indicates buildings containing more than two dwelling units where the occupants are primarily permanent in nature can be classified as Group R-2 occupancies. Therefore, apartment houses classified as a Group R-2 occupancy

¹ The “Code Effective Date” for this Technical Bulletin is October 31, 2017, which is the effective date of the current version of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

² The 2015 International Fire Code (2015 IFC) is a publication incorporated by reference in 19 NYCRR Part 1225. The 2017 Uniform Code Supplement is a publication incorporated by reference in 19 NYCRR Parts 1219 through 1228. The 2015 IFC, as amended by the 2017 Uniform Code Supplement, is part of the Uniform Code.

do not meet the exception for one- and two-family dwellings.

Additionally, Chapter 1, Section 101.2.6.2 of the 2017 Uniform Code Supplement modifies Chapter 1 of the 2015 IFC and states:

Administrative, operational and maintenance provisions. *The administrative, operational and maintenance provisions of the 2015 IFC shall apply to:*

- 1. Conditions and operations arising after the adoption of the 2015 IFC.*
- 2. Existing conditions and operations.*

The provisions of Section 308.1.4 would fall under the administrative, operational and maintenance provisions, therefore they are enforceable on existing structures.

Sections 6101.1 and 6104.1 of the 2015 IFC (Liquefied Petroleum Gases) provide guidance on the storage and handling of the LP- gas containers and should also be referenced where appropriate.

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