

Providence Gateway Townhomes Owners Association, Inc.
Rule – Open-Flame Devices and Fire Code Compliance

1. Purpose

This Rule is adopted to promote fire safety, reduce property and casualty risk, and ensure compliance with both the Utah State Fire Code (as adopted in Utah Code § 15A-5-103) and the risk mitigation standards commonly applied by property insurance carriers and professional loss control assessors. The Rule is further intended to: (a) preserve insurability and help minimize premiums under the Association’s property insurance policies; (b) protect the health and safety of residents and guests; and (c) reduce the Association’s potential liability exposure arising from preventable fires.

This Rule also supplements the provisions of Section 9.11 of the Declaration¹ by defining fire-safety standards for the storage and use of grills and other open-flame devices on decks, balconies, patios, and similar areas. It further aligns with Section 9.3, which prohibits unlawful use of property, interference with insurance coverage, and activities that create a fire or nuisance hazard.

2. Definitions

A. “Combustible Construction” means any building material or surface that is capable of igniting and burning, including, without limitation, wood or vinyl siding, wood fencing or decking, wood framing, and the exterior walls of dwellings, garages, or other improvements made from combustible material. This term excludes construction made entirely of non-combustible materials, such as concrete, brick, or stucco over masonry.

B. “Fire Code” means Utah Code § 15A-5-103 (the “Utah State Fire Code Act”)² and Section 308, including 308.1.4, of the International Fire Code,³ as adopted and amended by the State of Utah.

C. “Open-Flame Cooking Device” means any outdoor cooking device that produces an open flame, including, without limitation, gas grills, charcoal grills, pellet grills, barbecues, hibachis, and any other cooking device restricted under the Fire Code.

D. “Open-Flame Device” means any device that produces an open flame, including all Open-Flame Cooking Devices as well as other flame-producing outdoor devices such as fire pits (wood- or propane-fueled), chimineas, torches, open-flame patio heaters, decorative flame tables, and similar outdoor equipment. This term excludes permanently installed indoor gas appliances, such as gas ovens, stoves, cooktops, dryers, water heaters, and furnaces, when installed and used indoors in accordance with applicable building codes.

¹ Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Providence Gateway Townhomes, recorded as Entry No. 131248 in the Cache County, Utah Recorder’s Office on February 22, 2022.

² https://le.utah.gov/xcode/Title15A/Chapter5/15A-5-S103.html?v=C15A-5-S103_2024070120240501

³ The International Fire Code (IFC) is a model code developed by the International Code Council (ICC). The version adopted by the State of Utah is incorporated by reference in Utah Code § 15A-5-103 and may be viewed online at <https://codes.iccsafe.org>. The IFC is copyrighted by the ICC. Use and distribution of its text is subject to licensing restrictions.

3. Rule

3.1. Fire Code Compliance

Pursuant to the Fire Code, the use and storage of Open-Flame Cooking Devices is prohibited on or under balconies, porches, and decks, or within ten (10) feet of any Combustible Construction, unless an express exception applies under this Rule or under applicable state or local law.

3.2. Association Restrictions

In addition, the use of any Open-Flame Device is strictly prohibited in garages.

3.3. Exclusions

Notwithstanding the foregoing and consistent with the Fire Code, the following are not prohibited:

3.3.1. The use and storage of liquid propane (LP)-gas cooking devices having an LP-gas container with a water capacity (WC) of not greater than 2½ pounds (nominal 1 pound (16 oz) LP-gas capacity).⁴

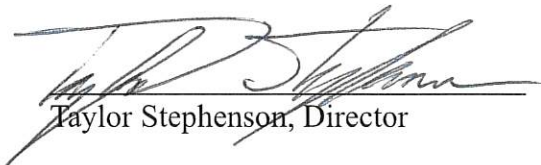
3.3.2. The use and storage of electric cooking grills that do not produce a flame and that bear the mark of an independent testing laboratory, such as Underwriter Laboratory.

4. Adoption

This Rule was duly adopted by the Board of Directors of the Providence Gateway Townhomes Owners Association, Inc. in accordance with Utah Code §§ 57-8a-217 and 16-6a-813. This Rule is effective as of the date the last director below signed this written consent.


Richard Crosbie, Director


David Longhurst, Director


Taylor Stephenson, Director

END OF RULE

⁴ This exception under the Fire Code allows the use and storage of LP-gas containers no larger than 1 pound (16 oz) gas capacity (2.5 pounds water capacity). These typically small green propane bottles are commonly used with tabletop or camping-style grills, but may also be connected to larger grills using an appropriate adapter. Larger LP-gas containers—such as standard 5-gallon (20 lb) cylinders—are not permitted under this exception, regardless of the grill or device they fuel.