



# OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

**JOHN W. OXENDINE**  
COMMISSIONER OF INSURANCE  
SAFETY FIRE COMMISSIONER  
INDUSTRIAL LOAN COMMISSIONER  
COMPTROLLER GENERAL

**DIRECTIVE 99-SF-2**

SEVENTH FLOOR, WEST TOWER  
FLOYD BUILDING  
2 MARTIN LUTHER KING, JR., DRIVE  
ATLANTA, GEORGIA 30334  
(404) 656-2056 TDD# (404) 656-4031

**TO:** All Interested Parties

**FROM:** John W. Oxendine  
Insurance & Safety Fire Commissioner

**RE:** Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3

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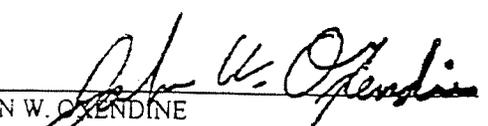
Recently, I have received inquiries concerning the Rules and Regulations of the Office of Safety Fire Commissioner Chapter 120-3-3, specifically §120-3-3-.04(5)(a), regarding the requirement prohibiting charcoal or liquefied petroleum (LP) gas or liquid fueled burners from being kindled or maintained on balconies or within 10 feet of combustible patios on ground floors.

Chapter 120-3-3 was promulgated pursuant to O.C.G.A. §25-2-4, to enact minimum fire safety standards for the protection of lives and property. The intent behind this particular provision is to eliminate the kindling of a grill on balconies or within 10 feet of combustible patios on ground floors. In addition, the intent of the verbiage. "maintained" relates to maintaining a kindled fire for a charcoal grill or maintaining a fuel source such as a large LP cylinder which has been restricted by Section 3-4 of NFPA 58 since 1986. This standard currently limits the size of these containers to a maximum water capacity size of 2.5 lbs. except as specifically stipulated in paragraph 3-4.8.2 of NFPA 58.

The grill itself is not considered the hazard. Rather, the kindled fire and fuel source are the hazards. As an example, if a charcoal grill is placed upon a balcony it would not be considered hazardous until it is kindled with its fuel source. If a liquid fueled burner or liquefied petroleum gas burner was placed on a balcony, it would not be considered hazardous if the fuel source is removed from the grill and stored properly as allowed by NFPA 58 for LP gas and NFPA 30 for other combustible liquid fuels. The grill itself, without the fuel source, could be kept on the balcony without violating this particular state minimum fire standard.

If you have any questions regarding the application of Chapter 120-3-3, please contact Assistant State Fire Marshal Dwayne Garriss at (404) 656-7087.

This 21st day of April, 1999.

  
JOHN W. OXENDINE  
INSURANCE & SAFETY FIRE COMMISSIONER  
STATE OF GEORGIA

**2003 International Fire Code®**  
**International Fire Code Council**

**308.3.1 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

- Exceptions:**
1. One- and two-family dwellings.
  2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

**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 (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

- Exception:** One- and two-family dwellings.