

City of Salem

In the year Two Thousand and Nineteen

An Ordinance to amend an ordinance relative to outdoor cooking appliances, heating equipment and fireplaces.

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Article III Fire Prevention and Protection of Chapter 20 of the Code of Ordinances is hereby amended by adding the following new sections:

“Section 20-125. Outdoor Cooking Appliances, Outdoor Patio and Space Heaters, Outdoor Decorative Heating Appliances and Outdoor Fireplaces.

The purpose of this Section is to protect the residents of Salem from the effects of accidental fire due to improperly placed, misused, malfunctioning, or unattended outdoor cooking and heating appliances that may lead to accidental injury, death or property damage.

Section 20-126. Code of Massachusetts Regulation Reference.

Wherever "527 CMR" is noted, it shall be interpreted "527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code and all currently adopted reference standards." In situations where this article conflicts with 527 CMR and adopted reference standards, the more stringent application shall apply as determined by the City of Salem Fire Marshal.

Section 20-127. Definitions.

Authority Having Jurisdiction (AHJ) shall mean the City of Salem Fire Marshal under the supervision and control of the Fire Chief.

Permanent shall mean a fixed gas installation that is hard piped and connected to an approved and permanently fixed fuel supply, permitted through the Salem Inspectional Services Department and installed by a licensed installer in accordance with all applicable codes and reference standards.

Refillable shall mean an approved, movable or permanent container that is legibly marked as referenced in 527 CMR and used and maintained in compliance with 527 CMR and manufacturer's recommendations. Such container is capable of being refueled by delivery onsite by a qualified LPG fuel supplier or by transporting to a refueling station.

Licensed Person shall mean a licensed: journeyman or master plumber, journeyman or master gas fitter, Liquefied Petroleum Gas installer (LPG) and Limited LPG-Gas Installers including those apprentices working under such license.

Liquefied Petroleum Gas (LP-Gas) shall mean any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal or isobutane), and butylenes. LP-Gas is commonly as "propane"

Cooking Appliance shall mean an appliance designed specifically for the purpose of heating and cooking food and constructed in compliance with approved safety standards and tested by a recognized product testing or listing agency.

Solid Fuel shall include, wood, charcoal, fuel pellets or any similar non-gaseous fuel. Whether any newly developed or identified fuel, not specifically mentioned in this article at the date of adoption is later classified as a solid fuel shall be determined by the AHJ.

Section 20-128. Sale of solid fuel outdoor patio and space heaters, outdoor decorative heating appliances, and outdoor fireplaces within the City of Salem.

- (a) It is prohibited for any mercantile establishment located within the City of Salem to sell, or offer for sale, any outdoor patio or space heater or decorative heating appliance such as chiminea, fire pit, or outdoor fireplace that is fueled by a solid fuel such as wood, charcoal, fuel pellets or similar non-gaseous fuels unless an informational label is clearly affixed and visible on the product display informing the purchaser of the prohibited use of these devices within the City of Salem.
- (b) The signage shall be placed on the display or shelving where any regulated device is for sale. The sign shall be affixed in plain view at eye level and clearly visible to purchaser. The sign shall be of durable construction and shall be no less than 10" x 12" or 120 square inches using red lettering on a white background with a font of sufficient size to be clearly visible to the purchaser from a distance of six feet.
- (c) The label and signage shall state the following:

IMPORTANT NOTICE BEFORE PURCHASE OR USE

IT IS PROHIBITED WITHIN THE CITY OF SALEM TO USE any outdoor patio or space heater, outdoor decorative heating appliance such as a chiminea, fire pit or outdoor fireplace using solid fuel including charcoal, wood, fuel pellets or any non-gaseous fuel.

Per Order of: Salem Ordinances - Chapter 20 Fire Prevention and Protection

Section 20-129. Use of solid fuel outdoor patio and space heaters, outdoor decorative heating appliances and outdoor fireplaces within the City of Salem.

It is prohibited within the City of Salem to use any outdoor patio or space heater, decorative heating appliance such as a chiminea, fire pit or outdoor fireplace using solid fuel including charcoal, wood, fuel pellets or any non-gaseous fuel.

Section 20-130. Regulations for the use of Natural Gas or LP-GAS outdoor patio and space heaters, and decorative heating appliances.

(a) Non-Commercial Use

1. Outdoor patio or space heaters and decorative heating appliances such as chiminea, fire pits and outdoor fireplaces that are fueled by Natural Gas or LP-GAS using a refillable tank or permanently installed are allowed for use within the City of Salem provided the appliance is listed or labeled by a recognized product testing organization. Where permanent, such installation shall be installed and permitted through the Inspectional Services Department of the City of Salem and installed by a licensed installer in accordance with all applicable codes and reference standards.
2. LP-Gas appliances whether permanent piped or refillable, all installations, clearances, storage and use shall be according to manufacturer's specifications and 527 CMR.
3. Under the authority of 527 CMR, the Salem Fire Department prohibits the use or storage of LP-Gas containers inside or on balconies above the first floor of any building or structure used for habitation; or the use or storage of liquefied petroleum gas appliances used for barbecue cooking on first floor porches, decks, or balconies that are enclosed by a roof or other confining material of a building or structure used for habitation.
4. LP-Gas containers used or stored on permitted first floor porches or decks, shall be conveyed there via an unenclosed exterior staircase only and shall not be passed through any building used for habitation nor shall such appliance obstruct egress. In accordance 527 CMR a permit is required from the Salem Fire Department for all permanent container installations and for the storage or use of LP-Gas cylinders of 42 lbs. or greater in the aggregate. Up to two 20 lb. cylinders are allowed without a permit provided they are used and stored according to 527 CMR.

(b) Commercial Use

1. LP-Gas fueled space heaters, fireplaces and decorative heating appliance used or stored on the exterior of any place of assembly, restaurant, bar, or public establishment shall require a Salem Fire Department fuel storage permit regardless of the amount of fuel on the premises. Fueled appliances and fuel cylinders awaiting replacement or use shall only be used and stored as prescribed by 527 CMR and the City of Salem Fire Marshal.
2. LP Gas or solid fueled cooking appliances used for commercial purposes and special events shall be allowed provided the required permits for fuel storage and use have been obtained and the equipment is used and stored as prescribed by 527 CMR and the City of Salem Fire Marshal.

Section 20-131. Regulations for the use of outdoor barbecue & cooking grills using solid fuel, charcoal, and LP-Gas.

(a) LP-Gas Operated Grills

1. The following regulations apply to the use of portable, solid fueled, charcoal and LP-Gas operated cooking grills on or within a building or structure and includes balconies, fire escapes, porches, roofs as a part thereof. This section does not apply to natural gas grills permitted through the Salem Inspectional Services Department and installed by a licensed installer in accordance with all applicable codes and reference standards.
2. The Salem Fire Department prohibits the use or storage of liquefied petroleum gas containers, including 1 lb LP-Gas containers attached to portable cooking grills, inside or on roof tops, decks, balconies or porches above the first floor of any building or structure used for habitation. Under the authority of 527 CMR, the Salem Fire Department prohibits the use or storage of liquefied petroleum gas appliances used for barbecue cooking on first floor porches, decks, or balconies that are enclosed by a roof or other confining material of a building or structure used for habitation
3. LP-Gas containers, including 1 lb LP-Gas containers attached to portable cooking grills, used or stored on permitted first floor porches or decks, shall be conveyed there via an unenclosed exterior staircase only and shall not be passed through any building used for habitation nor shall such appliance obstruct egress. LP-Gas containers, including 1 lb LP-Gas containers attached to portable cooking grills, shall be located in areas where there is free air circulation, at least three feet from building openings (such as windows and doors), and at least five feet from air intakes of air conditioning and ventilating systems.
4. 527 CMR states that no permit is required for the storage and use of LP-Gas containers of an amount less than 42 lbs. in approved locations. This allows the use and storage of two 20-lb. propane cylinders without a permit.

(b) Solid Fueled & Charcoal Grills

1. Under the authority of 527 CMR, the Salem Fire Department prohibits the use of portable charcoal or any solid or non-gaseous fueled cooking grills, hibachi or similar cooking appliances on or within a building or structure, and further prohibits their use on balconies, decks, porches or within 10 feet of a structure.
2. The storage of charcoal or any solid or non-gaseous fueled cooking grill, hibachi or similar appliance used for cooking shall be prohibited on all balconies, decks, porches except for single family dwellings. When stored on a porch or deck of a single family dwelling, the appliance shall be empty of all charcoal or solid or non-gaseous fuel
3. Gas, Solid fueled & Charcoal grill use or storage is prohibited on fire escapes or fire escape balconies.

Section 20-132. Penalties.

This ordinance shall be enforced by the Salem Fire Department. Violations of this ordinance, unless otherwise provided for in MGL Chapter 148, MGL Chapter 148A, or 527 CMR, shall result in a fine of fifty (\$50) dollars for the first violation and fifty (\$50) dollars per day that the violation persists.”

Section 2. This Ordinance shall take effect as provided by City Charter.

In City Council June 13, 2019

Adopted for first passage and referred to the Committee on Ordinances, Licenses and Legal Affairs

In City Council June 27, 2019

Adopted for second and final passage

Approved by the Mayor on July 1, 2019

ATTEST:

ILENE SIMONS
CITY CLERK