

Sec. 10-3. - Requirements for the operation of barbecue grills.

(a) *Definitions.* In this section, the following words have the meanings indicated:

Barbecue grill means equipment used for outdoor cooking that uses electricity or the burning of charcoal, liquid propane gas, or other fuel for its heat source.

Residential dwelling means a building or portion of a building that provides living or sleeping facilities for one or more individuals. "Residential dwelling" includes a single-family residential dwelling, multifamily residential dwelling arranged in a rowhouse format in which dwelling units are side-by-side, multifamily residential dwelling, hotel, motel, boarding house, lodging house, rooming house, inn, club or dormitory.

(b) *Restrictions.* A person may not use a barbecue grill for outdoor cooking:

(1) On any covered common area or on any covered balcony or under any over-hanging portion of any residential dwelling; provided, however, that barbecue grills permanently installed by utility companies or licensed plumbers, in accordance with applicable safety codes, adjacent to single family residential dwellings prior to the effective date of this section [June 5, 1997] are hereby exempt from the enforcement and penalties outlined in subsections (c) and (d) herein; and

(2) Within five (5) feet of any part, including a balcony, of a residential dwelling.

(c) *Enforcement.* It shall be the responsibility of the code enforcement officials within the department of public safety, the city fire inspector and the Wilkes-Barre City Police or thus authorized representative to enforce the provisions of this section as here in provided.

(d) *Penalties.* Any person violating any of the provisions of this section shall upon conviction thereof pay a fine not less than three hundred dollars (\$300.00), but not greater than one thousand dollars (\$1,000.00), and costs of prosecution unless otherwise specifically provided.

(Ord. No. 20-97, §§ 1—4, 6-5-97)