

BOARD

PRESIDENT & ACTING TREASURER	VICE-PRESIDENT	SECRETARY	DIRECTOR	DIRECTOR
ANTHONY INSALACO	EDWARD KATALINAS	KAREN CLYNES	JOSEPH MARONEY	LINDA BURKE

MARCH 21, 2023

DEAR OWNER OR RESIDENT,

ON JANUARY 24, 2023, A GRILLE FIRE GOT OUT OF CONTROL AND TWO SAFETY HARBOR FIRE TRUCKS HAD TO BE DISPATCHED. THAT EVENT AS WELL AS PREVIOUS EXPRESSED-CONCERNS REGARDING 'FIRE TABLES' AND THE FOLLOWING 'BULLET-POINT-THOUGHT-PROCESS' PROMPTED THE BOARD TO FORMALLY INVESTIGATE THE STATE OF AFFAIRS REGARDING OPEN FLAMES AND RELATED APPARATUSES.

- A. THERE IS A DANGER OF AN OUT-OF-CONTROL OPEN FLAME SPREADING BEYOND ITS INITIAL LOCATION AND ITS IMPLICIT DANGER TO LIFE, LIMB AND REAL PROPERTY.
- B. REGARDING ANY PERIL, WE ARE RESPONSIBLE FOR PAYING THE INITIAL 5% OF A BUILDING'S VALUE AS A DEDUCTIBLE – CURRENTLY \$60,000 (5% X \$1,200,000 PER BUILDING) AND INCREASING WHEN WE ARE REQUIRED TO HAVE A MANDATORY PROPERTY REVALUATION (THE LAST ONE WAS IN 2018).
- C. THERE'S LITTLE DOUBT THAT IN THE CASE OF A RELATED PERIL, IF AN INSURANCE CARRIER WOULD DISCOVER THAT WE HAD OPEN FLAMES THAT HAD BEEN DISALLOWED BY LAW OR ORDINANCE, THEY COULD MAKE A CASE FOR NOT PAYING A CLAIM AT ALL AND PERHAPS GOING FURTHER AND DROPPING US AS A CLIENT.
- D. IN SHORT, THE BOARD CONCLUDED THAT THIS WAS A MATTER NOT TO BE TRIFLED-WITH AND DECIDED TO SEEK AN OPINION LETTER FROM OUR ATTORNEY.
- E. THE ATTORNEY'S OPINION LETTER IS ON PAGES 2 & 3.

ALL APPARATUSES DETAILED IN THE ATTORNEY'S LETTER MUST BE REMOVED BY MIDNIGHT, SUNDAY, APRIL 9TH, 2023. YOU MAY USE AN ELECTRIC GRILL WHOSE GRILLING SURFACE DOES NOT EXCEED 200 SQ. INCHES. IF YOU NEED ASSISTANCE WITH DETERMINING IF YOUR GRILL SATISFIES THE LIMIT, PLEASE CONTACT THE PROPERTY MANAGER.

SINCERELY YOURS,

LOS PRADOS BOARD OF DIRECTORS

Daniel J. Greenberg, Esq.
Stephan C. Nikoloff, Esq.
Scott M. Gross, Esq.
Ariana E. Zarrella, Esq.



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March 14, 2023

VIA E-MAIL ONLY

PRIVILEGED & CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION

Board of Directors
Los Prados Condominium Association, Inc.
c/o Resource Property Management, Inc.
28100 US Highway 19 N., Suite 200
Clearwater, FL 33761

Re: Prohibition on Fire-Sourced Grills and Open Fire Pits

Dear Board Members:

The Board has inquired as to whether it has the authority to prohibit residents from utilizing gas or propane grills, smokers and/or open fire pits on common element property or near individual units within the Condominium. Please accept the following comments.

Since there is no reference in the Association's governing documents relating to the use of any type of grill or fire pit, we must look to the Florida Statutes and/or the Florida Fire Prevention Code. The use of any type of grill is referenced in Section 633.202 of the Florida Statutes, which requires that the State Fire Marshall adopt a Florida Fire Prevention Code ("FFPC"), and that the FFPC must be updated every three years. **The most recent FFPC rules** state that other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or stored on any balcony, under any overhanging portion, or within 10 feet of any structure and only electric portable, tabletop grills not to exceed 200 square inches of cooking surface or other similar apparatus shall be permitted. This would include any type of smoker grill or apparatus whose primary function is to smoke meat. Further, the FFPC prohibits the storage of any LP gas cylinders within a residential building, including the basement or any common basement storage area in quantities greater than 2.7 pounds.

Finally, in review of Section 58.217 of the Pinellas County Code of Ordinances, the use of grills, camp stoves or similar devices designed for cooking, fueled by LP gas, butane, naphthalene or other liquid fuel and which are not used to burn yard waste or other material are allowed to be utilized outside, but again, not within 10 feet of any structure. Which means that both the State FFPC rules and Pinellas County's Section 58.217 are simultaneously in force.

To simulate the fire pit experience, the Association may recommend the virtual “yule log” or other similar technology.

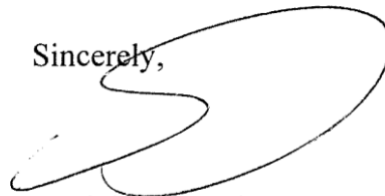
The Association via the board of Directors controls the Common Element. Allowing grilling on the Common Element at the Cabana for example may open up the Association to legal exposure. For example, let’s say that someone is grilling at the Cabana (regardless of the type of grilling device or how it is fueled including by electric) and walks away from the device. A person (especially a child) comes along and touches the grilling device before realizing that the device is still hot and burns themselves. Such an event could translate into a potential suit with great legal and insurance ramifications. Therefore, for maximum Association protection, such grilling should not be allowed on any Common Element even if occurring beyond 10-feet of a structure within that Common Element because a court may well find that the Association through negligence has put someone in harm’s way.

Please note that should any resident within the Condominium violate the restrictions and regulations referenced herein and said violation cause a fire or other damage to the Condominium, the Association’s insurance carrier would not exonerate the Association simply because the Association or any individual owner had not been cited by County or State officials for any infraction of the Fire Codes. Similarly, insurance carriers most often conduct inspections of their insured’s property as part of the typical renewal process. To the extent that the Association’s carrier observes grills or fire tables being utilized or stored in violation of the Fire Code, the carrier may refuse to renew or issue a policy of insurance to the Association.

Further, such inspections are most often made without notice to the Association, and if such apparatuses are present during such an inspection, a carrier will not know that a use restriction policy is in existence and will logically assume usage. Therefore, it is imperative that the Association strictly enforce a restriction on not only the use, but the storage of grills and fire pits (or any other prohibited apparatus). Any infraction should result in a violation letter being issued by the management company, and if the violation goes uncured, the matter should be referred to my office for legal enforcement.

As always, it is a pleasure serving the Association. Please do not hesitate to contact our office should you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Greenberg", written over a large, loopy scribble.

Daniel J. Greenberg, Esq.

DJG:dls