

Sec. 14-50. - Open burning.

(a) *Open burning.*

- (1) In this section, "open burning" means the process of burning any materials where the products of combustion are emitted directly into the open air without going through a chimney or stack.
- (2) Except as provided in subsections (b) and (c), open burning is prohibited in the Village of Deerfield without a burning permit issued and signed by the village administrator and approved by the fire chief of the Deerfield Volunteer Fire Department, Inc., or his or her designee, pursuant to this section.
- (3) Unless explicitly authorized in an open burning permit issued pursuant to this section, the burning of construction or demolition debris, yard waste, brush, or garbage is strictly prohibited. The burning of hazardous or toxic materials is strictly prohibited.
- (4) Any person open burning pursuant to this section, whether by permit or otherwise, shall comply with the following restrictions:
 - a. Fires must be attended at all times by a responsible adult.
 - b. A fire extinguisher, garden hose, or other method of fire control must be readily available.
 - c. Smoke cannot create a hazard or a nuisance, as determined in the sole discretion of the fire chief.
 - d. A fire must be completely extinguished before the fireplace, pit, grill, or other burn site is left unsupervised.
 - e. A fireplace, pit, charcoal grill, or other burn site shall not be used on any combustible deck, porch, or patio.
 - e. A fireplace, pit, charcoal grill, or other burn site shall not be used in high winds or located within 15 feet of a building, structure, lot line, or combustible materials.
 - f. Gasoline or other flammable liquid cannot be stored or used in the vicinity of a fireplace, pit, charcoal grill, or other burn site.

(b) *Open burning with permit.*

- (1) The village administrator shall grant open burning permits as provided in this subsection (b).
- (2) A person must apply to the Village of Deerfield for an open burning permit in the manner directed by the village administrator. The village administrator shall review an application for an open burning permit and consult with the fire chief prior to granting the permit.
- (3) An open burning permit may be granted only for bonfires, ceremonial campfires, alternative landscape burning, and Deerfield Volunteer Fire Department, Inc. practice and training as provided in this subsection.

- (4) An open burning permit contains the following minimum conditions:
 - a. An open burning permit is valid for one day only.
 - b. Burning is restricted to daylight hours, unless otherwise specified on permit.
- (5) The village administrator or fire chief, in their sole discretion, may impose additional conditions on the permit to protect the health, safety, and welfare of the public.
- (6) The open burning of construction or demolition debris, yard waste, brush, or garbage may be permitted only if the fire chief deems it necessary for the purposes of practice and training of the Deerfield Volunteer Fire Department, Inc.

(c) *Open burning allowed without permit.*

- (1) *Below grade outdoor fireplaces.* Open burning is permitted in a below grade outdoor fireplace under the following circumstances:
 - a. The below grade outdoor fireplace must include a metal bowl for holding wood not to exceed eight square feet and a cover available to extinguish the fire that can completely enclose the surface of the metal bowl.
 - b. The below grade outdoor fireplace must have a spark screen to cover the bowl or pit to contain embers and sparks.
 - c. Only dry wood may be burned.
- (2) *Commercial manufactured outdoor fireplaces.* Open burning is permitted in a commercial manufactured outdoor fireplace under the following circumstances:
 - a. Commercial manufactured outdoor fireplaces are devices constructed and sold for the primary purpose of containing an outdoor recreational fire.
 - b. The fireplace must include a metal bowl or pit for holding wood and have a spark screen to cover the bowl or pit to contain embers and sparks.
 - c. If the fireplace is a clay fireplace, also known as a chiminea, the bowl or pit may be made of clay, and it must have a spark arrester on the flue and a spark screen to cover the opening.
 - d. The bowl or pit shall not exceed eight square feet in surface area.
 - e. The fireplace must be used in accordance with all of the manufacturer's safety requirements.
 - f. The fireplace must be used on a stable and level surface.
 - g. Only dry wood may be burned.
- (3) *Certain cooking devices.* Liquid petroleum (LP) gas- and natural gas-fueled grills or cooking devices, charcoal grills, and electric grills may be used to cook food without a permit under the following circumstances:

- a. Must be used in accordance with all of the manufacturer's safety requirements.
- b. Electric grills may be used and stored on balconies, porches, and decks, including within 15 feet of any structure, if designed for such use and all recommended or necessary safety precautions and guidelines are followed.
- c. An LP gas- and natural gas-fueled grill or cooking device may be used and stored on ground level balconies, porches, and decks, including within 15 feet of any structure, if the grill or cooking device is designed for such use and all recommended or necessary safety precautions and guidelines are followed in the use and storage of the cooking device.
- (d) *Fire chief may prohibit.* The fire chief or designee may prohibit open burning when atmospheric conditions or local circumstances make such fires hazardous.
- (e) *Burning on streets prohibited.* No materials may be burned upon any street, curb, gutter, sidewalk, or terrace way.
- (f) *Liability.* Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire.
- (g) *Enforcement.* It shall be the responsibility of the fire chief, or his or her designee to enforce this section of the Deerfield Code. Any village of Deerfield law enforcement officer may also enforce this section of the Deerfield Code.
- (h) *Penalties.* In addition to the penalties and remedies provided for in section 1-7 of the Deerfield Code, any person who violates any provision of this section shall be fined not less than \$187.00 and not more than \$1,000.00 per occurrence in addition to applicable court costs and in addition to any applicable state or federal fines or penalties.

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