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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** BRENT EICHELBERGER, VILLAGE ADMINISTRATOR  
ALISON MURPHY, ASSISTANT TO THE VILLAGE  
ADMINISTRATOR/VILLAGE CLERK  
**SUBJECT:** DISCUSSION: OPEN BURNING ORDINANCE  
**AGENDA:** JANUARY 4, 2022 REGULAR BOARD MEETING  
**DATE:** DECEMBER 28, 2021

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**ISSUE**

Should the Village Board consider amending the Open Burning Ordinance

**DISCUSSION**

At the December 21, 2021, the Village Board directed staff to bring back the issue of Open Burning as a discussion item after concerns regarding the current regulations were raised by a resident.

The Open Burning ordinance (Title 4, Chapter 6) was last amended in August 2019. At that time, the Board began discussions regarding the regulations after several residents raised concerns over the health and safety risks associated with the open burning of landscape material. The Board also heard from several residents in favor of open burning as a cost effective way to handle leaf and landscape debris cleanup. Following these discussions, the Board compared how open burning landscape debris is handled in surrounding communities and considered several options including no changes to the regulations, eliminating open burning completely and making some changes to the current regulations.

After careful deliberations, the Board voted to make changes to the open burning regulations for recreational purposes and landscape debris to allow burning as follows:

1. Recreational campfires must:
  - Be no larger than 3' x 3' x 3'.
  - Use untreated wood only, within a self-contained outdoor wood burning device or an outdoor fireplace.
  - Occur only between the hours of 10:00 a.m. and 10:00 p.m. Sunday through Thursday and 10:00 a.m. and midnight, on Friday and Saturday.
  
2. Open burning of leaves, diseased trees, and tree debris must:

- Only occur on the premises on which they are generated.
- Occur between the hours of 10:00 a.m. and 3:00 p.m. on sunny days only.
- Be completely extinguished after 3:00 p.m.
- Occur only with a wind speed of less than ten miles per hour.
- Not occur during inversion conditions or ozone alert day.
- Use only dry materials.
- Be supervised at all times by an adult until the fire is extinguished.
- Have available within ten feet of the burning material a fire extinguisher, garden hose or water source.
- Not occur in any public right of way.
- Not occur within 20 feet of any building, structure, right of way or property line.

The full ordinance is attached.

### **COST**

There are no costs associated with this discussion.

### **RECOMMENDATION**

That the Village Board consider amending the Open Burning Ordinance.

## CHAPTER 6

### OPEN BURNING

SECTION:

#### 4-6-1: Definitions

#### 4-6-2: Open Burning Prohibition

#### 4-6-3: Exceptions

#### 4-6-4: Penalty

#### 4-6-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**OPEN BURNING OR OPEN FIRE:** Any burning of materials outside any building whether in a container, pit, or enclosed in any manner.

**PERSON:** Any individual, group, association, or corporation of any form or type. (Ord. 2019-08-20A, 8-20-2019)

#### 4-6-2: OPEN BURNING PROHIBITION:

Burning and open fires of any combustible materials, including, but not limited to paper, treated building materials, cardboard, grass, rags, garbage, garden trash and/or any other similar materials, of whatever type and kind within the Village limits are prohibited with only certain limited exceptions as set forth in this chapter. (Ord. 2019-08-20A, 8-20-2019)

#### 4-6-3: EXCEPTIONS:

Open fires may be maintained within the Village under the following circumstances:

- A. Fires started and attended by the personnel of the Village of Sugar Grove or Sugar Grove Fire Protection District.
- B. Burning for the purpose of prairie restoration provided a permit is issued by the Village of Sugar Grove or Sugar Grove Fire Protection District.
- C. Recreational campfires of less than three feet (3') in diameter and less than three feet (3') in height, burning untreated wood only, within a self-contained outdoor wood burning device or structure, or an outdoor fireplace, from the hours of ten o'clock (10:00) A.M. until ten o'clock (10:00) P.M. Sunday through Thursday and ten o'clock (10:00) A.M. through twelve o'clock (12:00) midnight, on Friday and Saturday.
- D. Festive and/or ceremonial burning in excess of three feet (3') in diameter or three feet (3') in height with a permit issued by the Village. The Village Chief of Police or his/her designee shall review the permit request and may approve a permit with certain conditions or deny the request on the grounds of public safety when appropriate. Permitted burning hours shall be from the hours of ten o'clock (10:00) A.M. until ten o'clock (10:00) P.M. Sunday through Thursday and ten o'clock (10:00) A.M. through twelve o'clock (12:00) midnight, on Friday and Saturday.
- E. Open fires used for cooking food at public or private gatherings, provided that such fires are exclusively for said purposes between the hours of seven o'clock (7:00) A.M. until ten o'clock (10:00) P.M. Sunday through Thursday and seven o'clock (7:00) A.M. through twelve o'clock (12:00) midnight, on Friday and Saturday.
- F. Leaves, diseased trees, and tree debris only may be burned on the premises on which they are generated provided:
  1. Burning occurs between the hours of ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.
  2. Burning must be completely extinguished after three o'clock (3:00) P.M., or if not attended.
  3. Wind velocity must be less than ten (10) miles per hour.
  4. Only on sunny days.
  5. No burning during inversion conditions or ozone alert day.
  6. Only dry materials.
  7. Any burning must be supervised at all times by an adult until the fire is extinguished.
  8. A fire extinguisher, garden hose or water source must be available within ten feet (10'), of the burning material.
  9. No open burning may be maintained upon any public right-of-way in the Village whether it be street, alley, parkway, or any other area within such public right-of-way.
  10. Burning must be maintained a distance of not less than twenty feet (20') from any such right-of-way, structure, or property line. (Ord. 2019-08-20A, 8-20-2019)

#### 4-6-4: PENALTY:

A. Any person found in violation of this chapter shall be subject to penalty as provided in section 1-4-1 of this Code for each occurrence. Each day that a violation of this chapter shall occur, shall be considered a separate offense incurring a

separate fine plus court costs.

B. In addition to any penalties imposed under this section, a person found in violation of this chapter may be required to reimburse the Village of Sugar Grove or the Sugar Grove Fire Protection District for the cost of equipment and manpower used to extinguish any illegal fire. (Ord. 2019-08-20A, 8-20-2019)