

**VILLAGE OF VARNA,
COUNTY OF MARSHALL,
STATE OF ILLINOIS**

**ORDINANCE NO. 292:
AN ORDINANCE REGULATING OPEN BURNING
FOR THE VILLAGE OF VARNA,
MARSHALL COUNTY, IL**

Date Passed: March 3, 2025

Date Posted: March 4, 2025

ORDINANCE NO. 292

AN ORDINANCE REGULATING OPEN BURNING FOR THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS

RECITALS

- A. The Village of Varna (the "Village") is a non-home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 7 of the Illinois Constitution of 1970.
- B. The Village has the authority to adopt ordinances and to promulgate rules and regulations pertaining to its government and affairs and that protect the public health, safety, and welfare of its citizens.
- C. The burning of leaves and brush, other vegetation, as well as backyard trash burning, results in smoke. Smoke contains a number of hazardous air pollutants and is related to adverse health effects.
- D. The Village previously adopted Ordinance No. 205 regarding burning in the Village.
- E. The Village's Board of Trustees has determined it to be in the best interests of the citizens of the Village, and where it is further believed to be necessary and appropriate that Village's burning regulations be restated and reconstituted as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS HEREIN.

SECTION 1: Definitions.

- (A) "Landscape waste" means any dry leaves, brush, branches, tree limbs, weeds or other combustible plant matter.
- (B) "Open burning" means the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. A chamber does not include a device commonly known as a "burn barrel."

Open burning does not include an outdoor fire utilized to cook food for human consumption.

Open burning does not include recreational fires on residential properties contained in fire pits, fire rings, or fire tables which do not create offensive odors, smoke, and/or fire hazards and are attended to at all times by a person of sixteen (16) years of age or older and sufficiently distant from a building or other structure so as to not constitute a fire hazard.

SECTION 2: Open burning of materials other than landscape waste.

The open burning of any material other than landscape waste is prohibited, unless by special permit issued by the fire chief of the Varna Fire Protection District, a copy of such permit shall be submitted to the Village Clerk in advance of such permitted burning.

- (A) The open burning of kitchen or household waste is prohibited.
- (B) The open burning of garbage and/or rubbish is prohibited.
- (C) The open burning of construction materials, including but not limited to paneling, wiring, painted wood, and treated wood, is prohibited.
- (D) The open burning of automotive byproducts and accelerants is prohibited.

SECTION 3: Open burning of landscape waste.

- (A) The open burning of wet landscape waste is prohibited.
- (B) The open burning of wet leaves is prohibited.
- (C) The open burning of wet or dry grass clippings is prohibited.
- (D) The open burning of dry landscape waste is permitted between sunrise and sundown.

SECTION 4: No burning under certain conditions.

- (A) Open burning, including recreational fires as described in Section 1, is prohibited when winds exceed fifteen (15) miles per hour.
- (B) Open burning, including recreational fires as described in Section 1, is prohibited when the atmospheric conditions or other circumstances create an unreasonable risk of fire because of wind, weather, or the types of combustibles.

SECTION 5: Emergency ban. The Village President may prohibit or suspend any burning otherwise permitted under this section if the Village President determines that conditions are such that burning substantially threatens the health, safety, and welfare of persons or property.

SECTION 6: Attendance of fires. All open burning shall be continuously attended by a person of sixteen (16) years of age or older, turned at frequent intervals to keep smoke generation at a minimum, and all fires shall be completely extinguished before abandoning the fire, or by sunset, whichever is earlier.

SECTION 7: Burning site.

The perimeter of any site for the open burning of dry landscape waste shall be at least ten (10) feet from any building structure, and at least two feet from any public roadway (unless the roadway is improved with a brick surface), including sidewalks, concrete curb, or guttering. In no event shall any person burn dry landscape waste on a site if the burning will endanger any building structure or adjoining property.

Burning is not permitted on any public roadway.

SECTION 8: Penalty for violation. Any person convicted of violating the provisions of this ordinance shall be punished by fine not to exceed seventy-five dollars (\$75.00) for the first offense and the sum of seventy-five dollars (\$75.00) plus an increment of fifty dollars (\$50.00) per offense for each subsequent offense.

SECTION 9: Repealer. All ordinances, resolutions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION 10: Severability. If any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 11: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law. This Ordinance may be published in pamphlet form.

PASSED at a regular meeting of the Board of Trustees of the Village of Varna, Illinois on March 3, 2025, as follows:

ROLL CALL VOTE:

TRUSTEE	AYE	NAY	ABSENT
Chambers	X		
Kruse	X		
Marliere	X		
Meierkord	X		
Rinaldo	X		
Todd	X		

APPROVED on March 3, 2025

Louis Holocker
Louis Holocker, Village President

Attest:

Wendy G. Todd
Wendy Todd, Village Clerk

PUBLISHED in pamphlet form on March 4, 2025

Wendy G. Todd
Wendy Todd, Village Clerk

STATE OF ILLINOIS)
) ss
 COUNTY OF MARSHALL)

CERTIFICATE OF CLERK

I, the undersigned, do hereby certify that I am the duly elected, qualified, and acting Clerk of the Village of Varna, the Counties and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the President and Board of Trustees of the Village. I do further certify that the attached and foregoing is a true and correct copy of ORDINANCE NO. 292: AN ORDINANCE REGULATING OPEN BURNING FOR THE VILLAGE OF VARNA as passed by the Board of Trustees of the said Village of Varna, Illinois, at its meeting held on March 3, 2025, and as approved by the Village President on March 3, 2025.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of said Village of Varna, Illinois.

Wendy G. Todd
 Wendy Todd, Village Clerk

(SEAL)

BACK OF PAMPHLET