

**ORDINANCE # 7, 2017**  
**AN ORDINANCE AMENDING CHAPTER 6,**  
**DIVISION II, SECTION 6-110 ENTITLED**  
**BURNING RESTRICTIONS**

WHEREAS, The Municipal Code for the City of Attica sets forth regulations regarding burning restrictions, and

WHEREAS, the Common Council for the City of Attica desires to amend the Municipal Code to clarify the restrictions,

NOW, THEREFORE, BE IT ORDAINED by the Common Council for the City of Attica, as follows:

Section 1. Chapter 6, Division II Section 6-110 (a) through (g) is hereby amended to read as follows:

- a. Open burning within the City of Attica is prohibited except as allowed herein.
- b. Open burning is hereby defined as set forth in 326 Indiana Administrative Code § 4-1-0.5(6) as the burning of any materials wherein air contaminants resulting from combustion are emitted into the air, without passing through a stack or chimney form an enclosed chamber;
- c. The following types of fires, subject to the conditions set forth below, are allowed:
  - i. Private residential burning with restrictions;
  - ii. Recreational or ceremonial fires with prior City Council approval and under Attica Fire Department Supervision;
  - iii. Burning for the purpose of heating, clean wood products in an approved indoor or outdoor wood stove or furnace for the purpose of home heating;
  - iv. Prescribed burning by the Indiana Department of Natural Resources or the U.S. Forest Service with prior City Council approval and under Attica Fire Department supervision.
- d. Open burning at a private residence should not be construed to mean the on-site open burning of construction debris associated with the construction of a private residence. Private residential (buildings with four (4) or fewer dwelling units, but not apartment or condominium complexes or mobile home parks): burning is permitted, but only in accordance with the following rules:
  - i. only clean wood products (fire wood, or lumber which is not coated with stain, paint, glue or other coating material, and not treated lumber) may be burned.

- ii. Under no circumstances shall yard waste, including but not limited to: brush, leaves, grass clippings and garden waste be burned at any time.
  - iii. Materials may only be burned in a noncombustible container such as an outdoor grill no larger than 3 feet in diameter or 4 foot by 2 foot square that is sufficiently vented to induce adequate combustion and has enclosed sides and a bottom.
  - iv. Burning must be done during safe weather conditions, not during high winds or on pollution alert days.
  - v. Fires must be attended to by a responsible adult and attended until completely extinguished.
  - vi. Fires must be extinguished if they create hazard, nuisance, threat to public health, pollution problems, or complaints from the public are received through the Attica Police Department.
  - vii. Firefighting equipment such as a garden hose or fire extinguisher adequate for the size of the fire must be nearby.
  - viii. Burning activities also much comply with all other federal, state and local laws, rules and ordinances.
- e. Camp fires for scouting activities, and fires used for cooking purposes, such as campfires, are permitted without daylight hours burning restrictions only at designated public camping areas such as the river front park area in City provided above ground containers subject to the following conditions:
- i. Only clean fire wood is burned
  - ii. The fire is no ignited more than two (2) hours before the activity is to take place and is extinguished upon the conclusion of the activity.
  - iii. The fire is not for disposal purposes.
  - iv. Means of controlling and extinguishing the fire must be at the site.

Section 2. This Ordinance shall be in full force and effect from and after its publication as required by law and its adoption by the Common Council for the City of Attica, Indiana.

This Ordinance was adopted by the Common Council for the City of Attica, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

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Sponsoring Council Member

ATTEST:

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Susan Stoll, Clerk-Treasurer

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Duane Roderick, Mayor

ATTEST:

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Susan Stoll, Clerk-Treasurer