

CHAPTER 94.05
Use of Sky Lanterns Prohibited

Village of Pentwater
Oceana County, Michigan

An ordinance to amend Article IX., FIRE PREVENTION AND PROTECTION, of the Codified Ordinances of the Village of Pentwater, Michigan.

THE VILLAGE OF PENTWATER ORDAINS:

SECTION I. The Codified Ordinances of the Village of Pentwater, Michigan are amended by adding the following to Chapter 94, Article IX, as follows:

"94.05 Use of Sky Lanterns Prohibited.

(A) Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. "Sky lanterns," which are also known as konming lanterns, chinese lanterns, sky candles, or fire balloons, are small hot air balloons made of paper or other similar lightweight material with an opening at the bottom where a small fire is suspended.
2. "Village" means the Village of Pentwater.

(B) Sky Lantern Restrictions.

No person shall in any way light or allow a sky lantern to be launched into the air within the Village of Pentwater.

(C) Penalties.

1. The use of sky lanterns is declared to be a Class C civil infraction under Article III, Chapter 34.
2. The person(s) responsible for violation of this ordinance shall be the person or persons lighting and/or launching same and the property owner from which the lantern is lighted or launched.

3. In addition to the penalties provided in this article, the General Penalty and additional remedies prescribed in Section 10.99 shall apply to any violation of this Article. The Village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.
4. Any person who violates the terms of this Ordinance, in addition to the penalties provided herein, shall be liable to the Village for the actual cost(s) incurred by the Village for any fire department response and any and all ancillary cost(s) associated therewith.

SECTION II. All other ordinances or parts of ordinances in conflict with this amendment are repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Village Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect 20 days after its passage or the day following its publication, whichever first occurs.

SECTION V. The Village Council of the Village of Pentwater adopted Ordinance No. 2014- 2 on Sept 8th, 2014.

BY ORDER OF THE VILLAGE COUNCIL.

Motion by: Hoekstra Second by: Maxwell

Yeas: 6

Nays: 0

Absent: 0



Colleen Moser,
Village Clerk/Treasurer


Juanita Pierman, Village President

ATTEST:

I certify that the above constitutes a true and complete copy of Ordinance No. 2014-2, duly adopted by the Village of Pentwater, Oceana County, Michigan at a regular meeting of the Pentwater Village Council held on Sept 8th, 2014, and published in Oceana Herald Journal on 9-18-14. This Ordinance shall be effective after Sept 20th 2014.

Dated: 9-12-14


Colleen Moser,
Village Clerk/Treasurer