

**PARADISE TOWNSHIP
SKY LANTERN ORDINANCE
ORDINANCE NO: 14-01**

An Ordinance to secure the public health, safety and general welfare of the citizens of Paradise Township, Grand Traverse County, Michigan, by prohibiting the use of sky lanterns in Paradise Township.

Section 1. Authority

Public Act 246 of 1945 (MCL 41.181, et seq.) authorizes Paradise Township to enact ordinances that regulate the public health, safety, and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, et seq.) authorizes Paradise Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, in the interest of public health, safety and general welfare of the citizens of Paradise Township.

Section 2. Definitions

Any unmanned free-floating device (sky lanterns or 'Chinese' lanterns) which requires fire underneath to propel it and is not moored to the ground while aloft, having an uncontrolled and unpredictable flight path and descent so as to pose a potential fire risk and are therefore prohibited.

Section 3. Title

This ordinance shall be known as the Paradise Township Sky Lantern Fireworks Ordinance.

Section 4. Interpretation

This ordinance shall be interpreted in accordance with the definitions included in public act 256 of 2011, as amended, and as interpreted by the Michigan Court of Appeals.

Section 5. Severability

This Ordinance shall be deemed severable and if any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of the Ordinance shall remain valid and enforceable.

Section 6. Prohibition Against Sky Lanterns

No person shall light, use, or cause to be released while ignited in any fashion any type of Sky Lantern, also known as a 'Chinese' Lantern, within Paradise Township

Section 7. Penalties

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 plus court costs.

Costs of Fire Prevention/Rescue efforts. If any such device causes a fire to start that destroys any real or personal property, the individual(s) responsible for the purchase, ignition and release of said lantern(s) shall be required to reimburse the public fire fighting and rescue agencies for their costs in responding to and handling any such endeavor and for the costs to reimburse the owners of any such property damaged or destroyed.

Section 8. Enforcement

Any Township Zoning Officials and the Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of this Ordinance.

Section 9. Non-exclusive Remedy

Nothing in this ordinance impairs or precludes a separate cause of action, civil or criminal, provided by statute or common law for conduct prohibited herein.

Section 10. Effective Date

This Ordinance shall take effect 30 days following publication.

As the duly elected and acting clerk of the township, I hereby certify that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on February 12, 2014, and that copies of the ordinance were transmitted and published as directed.