

**VILLAGE OF MICHIANA
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 2007-01

**AN ORDINANCE REGULATING THE MAINTAINING OF FIRES ON THE LAKE
MICHIGAN BEACH AREA WITHIN THE VILLAGE OF MICHIANA.**

THE VILLAGE OF MICHIANA ORDAINS:

SECTION 1. FIRE HAZARD

No person shall kindle or maintain any open fire on any area abutting Lake Michigan outside individual lots in the Village of Michiana without having first obtained a written burning permit from the Village Chief of Police. Such permit shall be issued the Village Chief of Police, upon payment of a permit fee established by the Village Council. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. No permit shall be allowed for the burning of yard waste. Even though a burning permit is obtained as aforesaid, no open fire shall be kindled or maintained unless the same shall be located more than fifty (50') feet from any building and shall be constantly attended until completely extinguished. The Chief of Police or any officer of the Village of Michiana Police Department shall have the authority to order extinguishment of any fire whenever in his/her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 2. BEACH BONFIRES

No person shall kindle or maintain any bonfire on the public beaches in the Village of Michiana without having first obtained a written burning permit from the Village Chief of Police. Such permit shall be issued by the Michiana Police Department, upon payment of a permit fee established by the Village Council on forms provided by the Michiana Police Department. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. Even though a burning permit is obtained aforesaid, no open fire shall be kindled or maintained, unless the same shall be located more than fifty (50') feet from a building and are constantly attended until completely extinguished. The Village Chief of Police or any officer of the Michiana Police Department shall have the authority to order extinguishment of any fire whenever in his/her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 3. FIRE LITTER PROHIBITED

Upon completion of use, any and all fires, coals, and ashes must be completely extinguished. Small remains of a fire shall be placed in the nearest waste container or removed by the permittee. Large pieces of wood or logs shall be removed in their entirety by the permittee.

SECTION 4. PERMITS AND FEES

Any person seeking to have a fire on the beach in the Village of Michiana shall apply for a permit under the provisions of this Ordinance and shall be subject to issuance of a permit by the Village Chief of Police and payment of fees as follows:

Beach fire permit \$100 deposit / permit, refundable upon Village verification of clean up

SECTION 5. VIOLATION

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment in the County jail of Berrien County for a period of not more than ninety (90) days or both, such fine and imprisonment in the discretion of the Court, together with costs of prosecution.

SECTION 6. DEFINITION

The term "person" as used herein shall mean and include natural persons, firms, partnerships, and corporations, and their agents, receivers, servants, and trustees. The term "fire" or "bonfire" shall mean the open burning of any flammable material on the Beach areas adjacent to Lake Michigan in the Village of Michiana, outside of platted lots.

SECTION 7. CONFLICTING ORDINANCES

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective on the 11th day of June, 2007, following publication thereof, in accordance with the Charter of the Village of Michiana.

ORDINANCE DECLARED ADOPTED