

ORDINANCE NO. 127 **AN ORDINANCE TO DEFINE AND PROHIBIT THE USE OF SKY LANTERNS IN THE TOWN OF CROSS PLAINS**

WHEREAS, Sky lanterns are made of oiled rice paper with a bamboo frame, materials that can easily catch on fire. A candle or wax fuel cell is used with the device. The lit flame heats the inside of the lantern, causing it to rise into the air. Once lit and airborne, the lantern can travel more than a mile. Wind can affect it, blowing the sides, forcing hot air out and sending the flaming lantern to the ground. These lanterns have the potential to start a fire. In 2016, a sky lantern released during a park event in Wisconsin burned more than 15 acres in about an hour.

WHEREAS, after the Sky Lantern lands, the leftover thin wire frame will rust away very slowly, remaining a nuisance, and a possible hazard to animals; and

WHEREAS, Sky Lanterns also pose a danger to aircraft; and

WHEREAS, the Town Board is aware that a number of communities across the United States impose restrictions or prohibit the use of Sky Lanterns; and

WHEREAS, The National Fire Protection Association Fire Code states the following: *The use of unmanned, free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited;*

WHEREAS, sec. 60.22 and 61.34(1), Wis. Stats. grants the Town Board "power to act for the government and good ... and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means"; and

WHEREAS, the Town Board finds that the adoption of ordinance prohibiting the use of Sky Lanterns will promote the health, safety and welfare of the public.

NOW, THEREFORE, the Town Board of the Town of Cross Plains, Dane County, Wisconsin DOES ORDAIN AS FOLLOWS:

SECTION 1. An ordinance prohibiting the use of Sky Lanterns is hereby adopted to read:

THE USE OF SKY LANTERNS IS PROHIBITED WITHIN THE TOWN OF CROSS PLAINS**1. Findings and Intent.**

This ordinance is a regulatory measure aimed at protecting the health and safety of the public from the hazards of Sky Lanterns.

2. Definitions.

(a) Sky Lanterns, which are also known as Kongming lanterns, sky candles, or fire balloons, are small hot air balloons made of paper or other similar light-weight material, with an opening at the bottom where a small fire is suspended.

(b) Town means the Town of Cross Plains.

3. Sky Lantern Restrictions

No person shall in any way allow a Sky Lantern to be launched into the air within the Town.

4. Penalties.

(a) Any person violating any provision of this ordinance shall, upon conviction, be subject to a forfeiture of not less than \$ 250.00 nor more than \$ 500.00, plus court costs. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(b) Whoever directly commits a violation of this ordinance or aids and abets a violation, is as responsible as the person who directly commits the acts in violation of this ordinance.

(c) Any person who violates the terms of this ordinance, in addition to the penalties provided herein, shall be liable to the Town for the actual costs incurred by the Town for the fire department response and any and all ancillary costs associated therewith.

SECTION 2. SEVERABILITY.

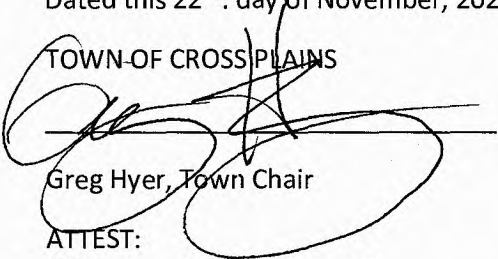
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication or posting as provided by law.

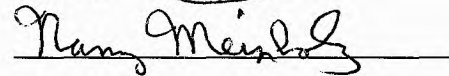
Dated this 22nd. day of November, 2021.

TOWN-OF CROSS PLAINS



Greg Hyer, Town Chair

ATTEST:



Nancy Meinholz, Town Clerk

Published and/or posted this 23 day of November, 2021.