

**AN ORDINANCE TO DEFINE AND PROHIBIT THE USE OF SKY LANTERNS
WITHIN THE TOWN OF SUGAR CREEK**

WHEREAS, municipalities throughout Wisconsin have experienced several very expensive and damaging incidents resulting from the use of fireworks and other recreational fire-producing materials; and

WHEREAS, the Town Board has received calls from concerned residents regarding the use of Sky Lanterns; and

WHEREAS, although Sky Lanterns have been used in China for thousands of years only relatively recently have they been used in the Town of Sugar Creek; and

WHEREAS, for safety reasons municipalities have started to regulate and or disallow the use of the same; and

WHEREAS, Sky Lanterns have been known to land when the flame is still alight, making it a fire hazard; specifically in typical designs, as long as the lantern stays upright the paper will not get hot enough to ignite, but if the balloon is tilted, say, by the wind or by hitting some object, it may catch fire while still in the air; and while all the paper will usually burn in a few seconds, the flame source may remain lit until it hits the ground; and

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

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

WHEREAS, on 1 July 2013 the 'largest fire ever' in the West Midlands of England, involving 100,000 tons of recycling material and causing an estimated six million pounds worth of damage, was started by a Sky Lantern which landed at a plastics recycling plant in Smethwick; 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 Town of Sugar Creek and surrounding territory includes heavily forested areas, including the Kettle Moraine State Forest-Southern Unit lands, which present significant and unique fire dangers; and

WHEREAS, the Town of Sugar Creek and surrounding territory includes a significant area of farmland, where if destroyed by fire, would cause financial hardship to many citizens of the Town of Sugar Creek; and

WHEREAS, the Town Board has decided it is in the best interest of the Town to prohibit the use of Sky Lanterns; and

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 Sugar Creek, Walworth County, Wisconsin DOES ORDAIN AS FOLLOWS:

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

USE OF SKY LANTERNS PROHIBITED

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 Sugar Creek.

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) PENALTY. Any person violating any provision of this ordinance shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than \$250.00, plus costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

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.

- (b) In addition, and not to the exclusion or prejudice of such other penalties and remedies as may apply, violation of this Ordinance shall also constitute a public nuisance, which the Town may enforce by action or proceeding to enjoin or abate such public nuisance.
- (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 16th day of April, 2018.

TOWN OF SUGAR CREEK



Dale Wuttke, Town Chair

ATTEST:



Diane Boyd, Clerk

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