

**ORDINANCE NO. 272****AN ORDINANCE TO DEFINE AND PROHIBIT THE USE OF  
SKY LANTERNS WITHIN THE VILLAGE OF OCONOMOWOC LAKE**

WHEREAS, the Village of Oconomowoc Lake has experienced several very expensive and damaging incidents resulting from the use of fireworks; and

WHEREAS, the Village 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 Village of Oconomowoc Lake; 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 (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. All the paper will usually burn in a few seconds, but 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 hazard to animals that may swallow it; 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 Village Board is aware that a number of communities across the United States impose restrictions or prohibit the use of Sky Lanterns; and

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

WHEREAS, sec. 61.34(1), Wis. Stats. grants the Village 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 Village Board finds that the adoption of an ordinance prohibiting the use of Sky Lanterns will promote the health, safety and welfare of the public.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha 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 Chapter 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) Village means the Village of Oconomowoc Lake.

### 3. Sky Lantern Restrictions

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

### 4. Penalties.

(a) In addition to such other penalties and remedies as may apply, violations of this ordinance shall be subject to the penalties described in Village of Oconomowoc Lake Ordinance No. 149, entitled "An Ordinance to Repeal and Recreate the Penalty Provisions of All Previously Adopted Village of Oconomowoc Lake Ordinances", including such amendments and re-created provisions as may be made thereto from time to time.

(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 Village 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 Village for the actual costs incurred by the Village 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 19th day of August, 2013.

VILLAGE OF OCONOMOWOC LAKE



Joseph Birbaum, Village President

ATTEST:



Cindy J. Schieve, Clerk/Treasurer

Published and/or posted this 20th day of August, 2013.