

## **ORDINANCE NO. 1818**

### **AN ORDINANCE PROHIBITING THE PURCHASE, SALE, USE, AND POSSESSION OF AERIAL LUMINARIES, COMMONLY KNOWN AS SKY LANTERNS.**

WHEREAS, the City Council of the City of Talladega, Alabama, acting on the recommendation of Talladega Fire Department and the National Association of Fire Marshalls finds that aerial luminaries, also known as sky lanterns, pose a potential hazard to the City and its police jurisdiction because said devices have no directional control of its flight path and contain a heat source that upon landing can ignite combustible vegetation or buildings and cause injury to people, property and animals; and,

WHEREAS, these devices have been known to cause property damage and injury via fires, and should be banned in the exercise of the City's police power to protect the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

**SECTION 1.** As used in this Ordinance, the term "Aerial Luminaries" shall mean, and refer to, a device, commonly constructed of paper or similar material with a bamboo or similar material frame, using an attached heat source to become and remain airborne by the use of heated air until said heat source is exhausted whereon said device descends to the ground. Other common names for "Aerial Luminaries" include but are not limited to, Chinese Sky Lantern, Hawaii Sky Lantern, Sky Lantern, Kongming Lantern, Flying Lanterns, Floating Lanterns, Sky Candles, or Wish Candles. This definition does not include a hot air balloon capable of transporting human beings or those designed to loft scientific or other payloads, such as a weather balloon or similar device.

**SECTION 2.** It shall be unlawful for any person to buy, sell, barter, exchange, trade, offer for sale, distribute, give away, possess, ignite, discharge, light, fly, release into the atmosphere, otherwise use or bring into the City, "Aerial Luminaries", as defined in this Ordinance.

**SECTION 3.** Any person found to be in violation of the provisions of this ordinance, shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars, and/or imprisonment for not more than six (6) months plus court costs. Each day that a violation continues shall constitute a separate and distinct offense.

**SECTION 4.** All sections of this ordinance are hereby declared to be severable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this ordinance.

**SECTION 5.** All ordinances or resolutions inconsistent with this ordinance are hereby repealed.

**SECTION 6.** This ordinance shall take effect from and after the date of its adoption and publication, as provided by law.

**ADOPTED and APPROVED** this the 17<sup>th</sup> day of October, 2016.

Council President Ricky Simpson

Councilman Jarvis Elston

Councilman David Street

Councilman Gerald Cooper

City Manager Patrick Bryant

Attested to: Elizabeth Cheeks, City Clerk