

PUBLIC NOTICE

Notice is hereby provided that the Board of Supervisors of the Township of Upper Saucon intends to consider passage of proposed Ordinance No. 168 at a public meeting to be held on the 28th day of September, 2020 commencing at 6:30 pm. Said public meeting shall take place at the Township Municipal Building located at 5500 Camp Meeting Road, Center Valley, PA. The following constitutes the full text version of proposed Ordinance No. 168:

TOWNSHIP OF UPPER SAUCON LEHIGH COUNTY, PENNSYLVANIA ORDINANCE NO. 168

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER SAUCON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA PROHIBITING THE RELEASE OF SKY LANTERNS AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

Legislative History and Findings

WHEREAS, sky lanterns are unmanned free-floating devices which require a flame to keep them aloft; and

WHEREAS, sky lanterns have uncontrolled and unpredictable flight paths and descents; and

WHEREAS, sky lanterns released into the atmosphere return to the earth as dangerous litter posing a nuisance and potential fire hazard; and

WHEREAS, the Upper Saucon Township Fire Chief recommends banning the release of sky lanterns due to fire and safety risks posed by such devices; and

WHEREAS, the Upper Saucon Township Board of Supervisors (hereinafter, "Supervisors") recognize the danger posed by sky lanterns and wish to prohibit their release in Upper Saucon Township; and

WHEREAS, the Supervisors are empowered by Sections 1529 and 1534 of the Second Class Township Code to prohibit nuisances and impose safeguards concerning flammable objects, respectively; and

WHEREAS, the Supervisors find that prohibiting sky lanterns will serve to promote and protect the general health, safety, and welfare of its residents.

NOW, THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Upper Saucon Township, Lehigh County, Pennsylvania, as follows:

Section 1. Definitions

Sky Lantern: An unmanned airborne device typically made of paper, with an opening at the bottom where a small fire, candle or fuel cell is suspended and which serves as a heat source to cause the device to rise and float in the air. Sky lanterns are also known as Konming Lanterns, Wish Lanterns, Chinese Lanterns, Flying Sky Paper Lanterns, Sky Candles, Fire Balloons or Floating Paper Lanterns. Sky Lanterns shall not include hot-air balloons used for transporting persons or balloons or other aerial devices employed by an educational or governmental entity for scientific or meteorological purposes.

Person: Any individual, partnership, limited liability partnership, firm, company, limited liability company, corporation, association, or any other legal entity and with respect to each, its agents, servants and employees. This definition shall include for profit and not for profit entities.

Section 2. Regulated Conduct

No person shall light, release or launch a Sky Lantern within the jurisdictional limits of Upper Saucon Township.

Section 3. Enforcement and Penalties

a. This Ordinance may be enforced by the Fire Chief, the Township Zoning / Code Enforcement Officer or by any sworn law enforcement officer.

b. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof before a District Justice, be subject to a penalty or fine in an amount not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and attorney fees; and if default of payment of such penalty, fine or costs, to imprisonment for a term not to exceed thirty (30) days for each violation. Each launch or release into the air of a single Sky Lantern shall constitute a separate offense. The provisions of this Ordinance shall be enforced in the same manner as the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Section 4. Savings Clause

To the extent that any provision of this Ordinance, or any portion thereof, is found by any Court of competent jurisdiction to be invalid or void on constitutional or other grounds, such provision, or portion thereof, shall be deemed to be repealed. The

remaining text of this Ordinance shall remain in full force and effect if same can be accomplished without the structure of this Ordinance having been destroyed by the elimination of such provision or portion thereof.

Section 5. Effective Date

This ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

DULY ENACTED AND ORDAINED this ____ day of _____ , 2020, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

Upper Saucon Township
Board of Supervisors
Brian J. Farrell, Chairman