

**LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1-1 - 2025
LOCAL LAW – NO. _____ - 2025**

A LOCAL LAW prohibiting the sale and use of Sky Lanterns in Erie County.

SECTION 1. Title

This law shall be entitled and known as “The Sky Lantern Prohibition Act.”

SECTION 2. Legislative Intent

The Erie County Legislature (“Legislature”) recognizes, determines, and finds as follows:

Sky lanterns have become popular in recent years. These devices are sometimes released in mass launches to commemorate events such as holidays, funerals, birthdays, and weddings.

Among the powers granted to counties by the New York State legislature, pursuant to Section 10(a)(12) of the New York State Municipal Home Rule Law, a county may adopt a local law that protects the safety, health, and well-being of persons and property within the boundaries of the county.

The Legislature understands that these devices are intended to float in the air whereby the device is akin to a miniature hot air balloon comprised of oiled rice paper, fire retardant paper, fabric, or similar materials pulled over a frame with a small candle fuel cell or similar heat source within the frame. The small candle or fuel cell heats the air inside the lantern causing the lantern to rise into the air.

The Legislature recognizes that the release of these devices creates a serious fire and safety hazard due to the potential for unintended fires, and the ability of such devices to travel significant distances from the point of release. Pursuant to the NYS Office of Fire Prevention and Control, these devices, once dispatched, constitute a Recreational Fire. Such devices must be “constantly attended until the fire is extinguished.” Upon the release or dispatch of the device, it is considered an Unattended Fire and may remain lit when the device lands in a neighborhood, agricultural field, or other undesirable location.

The Legislature recognizes that these devices also pose serious risks to small children, wildlife and livestock animals. Such devices are commonly constructed with bamboo, wire, or similar materials which create risks of entrapment and harm due to ingestion.

The Legislature hereby determines that such devices present a serious threat to the safety of Erie County residents and their property and further finds there is a need to prohibit the release of such devices to protect the safety, health, and well-being of persons and property within the boundaries of the County.

SECTION 3. Definitions

SKY LANTERN

Any unmanned airborne device including, but not limited to, those constructed from oiled rice paper, fire retardant paper or fabric on a bamboo or wire frame or other such similar materials, and which contain a small candle or fuel cell composed of a waxy flammable material or other similar materials which heat, directly or indirectly, the air inside the device, thus lowering its density causing the device to rise into the air. These devices may also be known as candle kites, Chinese candle kites, Kongming lanterns, wish lanterns, lantern kites, fire balloons, sky candles, candle balloons, mini hot air balloons, flying lanterns, Chinese lanterns, or candle balloons.

SECTION 4. Prohibition of sale

No natural person, company, corporation, limited liability company, firm, partnership, business organization, or other legal entity in Erie County shall sell, offer for sale, or permit the sale of a sky lantern.

SECTION 5. Prohibition of use

Sky lanterns shall not be used, released, or dispatched into the air in Erie County.

SECTION 6. Penalties

The first violation of Section 4 or Section 5 of this Article shall constitute an offense punishable by a fine not to exceed \$250.

Any subsequent violation of Section 4 or Section 5 of this Article shall constitute an unclassified misdemeanor, punishable by a fine not to exceed \$1,000, or both.

SECTION 7. Enforcement

This article shall be enforced by the Erie County Sheriff's Department and shall be enforced by any other law enforcement agency having jurisdiction to act in the County of Erie, which shall enforce the provisions of this Article by the issuance of a summons to a party violating the provisions of this Article.

SECTION 8. Severability

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The

County of Erie hereby declares that it would have passed this chapter, or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 9. Effective date and applicability

This law shall apply to all actions occurring on or after its effective date, which is upon filing with the New York State Secretary of State.

SPONSORS: Legislator Mills and Legislator Todaro