

**AN ORDINANCE AMENDING CHAPTER 9 FIRE PROTECTION  
PROHIBITING THE USE OF SKY LANTERNS  
WITHIN THE TOWN OF APEX**

Ordinance No. 2014-0218-05

WHEREAS, pursuant to N.C. General Statute 160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, pursuant to N.C. General Statute 160A-183 a town may by ordinance restrict, regulate, or prohibit the sale, possession, storage, use or conveyance of any explosive, corrosive, inflammable, or radioactive substances, or any weapons or instruments of mass destruction; and

WHEREAS, a sky lantern consists of an airborne burning fuel cell which is unable to be controlled after launch; and

WHEREAS, the use of sky lanterns has become more frequent within the town; and

WHEREAS, due to the wind, vegetation and combustible construction throughout the town there exists a great risk that the use of sky lanterns will result in a fire of such intensity to destroy life and property; and

WHEREAS, those responsible for launching sky lanterns have no ability to predict or control where they land and therefore unable to clean up the remaining debris; and

WHEREAS, sky lanterns will land and become litter and can be harmful if ingested by wildlife.

NOW, THEREFORE, BE IT ORDAINED BY the Town Council for the Town of Apex, North Carolina as follows:

**Section 1.** Section 9-43 of the Apex Code of Ordinances is hereby amended by the addition of the following definition:

*Sky Lantern* means an unmanned hot air balloon which is launched into the atmosphere relying on an open flame to heat the air inside the balloon causing it to lift into the atmosphere.

**Section 2.** The Apex Code of Ordinances is amended by the addition of a new section 9-51 which reads as follows:

**Sec. 9-51. Sky Lanterns.**

It shall be unlawful for any person to ignite, set aloft, or use a Sky Lantern in the town.

**Section 3.** This ordinance is effective upon enactment.

Enacted this 18<sup>th</sup> day of February 2014.

Introduced by Council Member: \_\_\_\_\_

Seconded by Council Member: \_\_\_\_\_

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William M. Sutton, Mayor

ATTEST:

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

APPROVED AS TO FORM:

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Henry C. Fordham, Jr.,  
Town Attorney