

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie

Local Law No. 2 of the year 20 25

A local law prohibiting the sale and use of Sky Lanterns in Erie County.
(Insert Title)

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie as follows:

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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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.

SPONSOR: Legislator Mills

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 24 2025, and was (approved)(~~not approved~~)
(Name of Legislative Body)
(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted
(Elective Chief Executive Officer*)
on August 12 2025, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

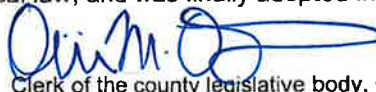
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 8/22/2025

A Public Hearing was held on the foregoing **Local Law Intro. No. 1-1-2025** on **August 7th, 2025** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 12th day of **August, 2025**.



Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 1-1-2025** on **August 7th, 2025** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of **August, 2025**.

Mark C. Poloncarz