

**BERWICK TOWNSHIP**  
**ADAMS COUNTY, PENNSYLVANIA**  
**SKY LANTERN ORDINANCE**

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**ORDINANCE NO. 22-02**

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**AN ORDINANCE REGULATING THE USE OF SKY LANTERNS WITHIN BERWICK TOWNSHIP AND PRESCRIBING PENALTIES FOR VIOLATIONS**

**WHEREAS**, under Section 1506 of the Second Class Township Code, the Board of Supervisors has the specific power to enact ordinances as may be necessary for the maintenance of peace, good government, health and welfare of the Township and its citizens; and

**WHEREAS**, under Section 1534 of the Second Class Township Code, the Township may provide for, regulate, and impose safeguards regarding inflammable articles as may be necessary; and

**WHEREAS**, the Board of Supervisors has determined that the use of sky lanterns which are released into the airspace and fly uncontrolled onto neighboring properties result in a trespass to property and create significant potential safety hazards in the form of fires, property damage, and injury to or death of livestock or other animals; and

**WHEREAS**, the Board of Supervisors wish to regulate the use of sky lanterns in Berwick Township.

**NOW, THEREFORE**, it is hereby **ORDAINED** and **ENACTED** by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, as follows:

**Section 1. Purpose**

The purpose of this Ordinance is to regulate the use of sky lanterns within Berwick Township, Adams County of Pennsylvania.

**Section 2. Definitions**

As used in this Ordinance, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

**TOWNSHIP** – Berwick Township, Adams County, Pennsylvania.

**PERSON** – Any individual, partnership, corporation, association, institution, cooperative enterprise, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine, imprisonment or penalty, or

any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having members, officers, and/or directors.

**SKY LANTERN** – An unmanned self-contained luminary device that uses heated air produced by an open flame or other source to become or remain airborne.

### **Section 3. Regulation of the Use of Sky Lanterns**

No person may release a sky lantern into the air space above the surface of the ground within Berwick Township unless the sky lantern is tethered or otherwise restricted from floating freely.

### **Section 4. Penalty for Violation**

Any person violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 per violation and/or by imprisonment to the extent allowed by law for the punishment of summary offenses. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83 (c).

For the purpose of this Section, each sky lantern used in violation of this Ordinance shall be considered as a separate offense.

### **Section 5. Severability**

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

### **Section 6. Repealer**

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.


### **Section 7. Effective Date**

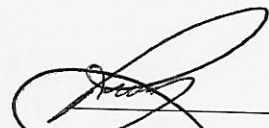
This Ordinance shall be effective five (5) days following its enactment.

ORDAINED AND ENACTED this 14th day of Feb., 2022.

ATTEST:

BERWICK TOWNSHIP

  
Secretary

  
Peter L. Socks, Jr., Chairman