

(Summary First Published in the _____
on the ____ day of _____, 2013.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 862

AN ORDINANCE PROHIBITING THE SALE, IGNITION AND USE OF UNMANNED AERIAL LUMINARIES WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS BY ADDING NEW ARTICLE 5 TO CHAPTER VII OF THE CODE OF THE CITY OF CHENEY, KANSAS.

WHEREAS, once afloat, unmanned aerial luminaries may travel significant distances from their release site and return to earth before their flame or fuel cell is fully extinguished; and

WHEREAS, this can result in combustibles at the landing site becoming engulfed with flames creating the potential for uncontrolled fire threatening life and property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHENEY, KANSAS:

Section 1. Adding Article 5 to Chapter VII of the Code

The Code of the City of Cheney, Kansas is hereby amended by adding new Article 5 to Chapter VII which reads as follows:

"ARTICLE 5.

UNMANNED AERIAL LUMINARIES

7-501. UNMANNED AERIAL LUMINARIES PROHIBITED. It shall be unlawful for any person to sell, ignite or otherwise use unmanned aerial luminaries within the corporate limits of the City of Cheney, Kansas.

7-502. DEFINITION. As used in this Article, the term "unmanned aerial luminary" means a device constructed of lightweight material which is capable of traveling significant distances through the air when powered by fire or a fuel cell until such fire or fuel cell deteriorates causing such device to fall to the ground at

an unknown location. The term "unmanned aerial luminary" includes but is not limited to devices known as sky lanterns, flying luminaries, Kongming or Chinese lanterns, sky candles or fire balloons.

7-503. PENALTY.

a. Any person eighteen years of age or older violating the provisions of Section 7-501 shall be subject to a fine of not more than \$1000.00 for each occurrence.

b. Any police officer finding a minor under the age of eighteen years violating the provisions of Section 7-501 shall warn the minor to desist from such violation and immediately return home and shall cause a written notice to be served upon the parent, guardian or person in charge of such minor, setting forth the manner in which the provisions of Section 7-501 have been violated. For the purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a minor if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.

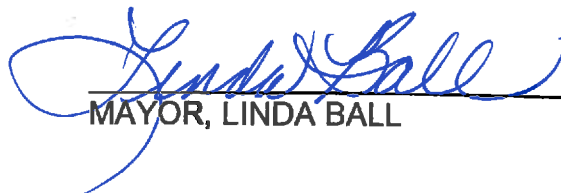
c. Any parent, guardian or person having the care and custody of a minor who shall permit, or by insufficient control allows, such minor to violate the provisions of Section 7-501 after receiving written notice that such minor has previously violated such provisions shall be subject to a fine of not more than \$1000.00 for each occurrence."

Section 2. Effective Date.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 28th day of June, 2013.

Approved by the Mayor this 28th day of June, 2013.


MAYOR, LINDA BALL

SEAL

ATTEST:


CITY CLERK, DANIELLE YOUNG