

# Sample Balloon Release Ordinance Language

## AN ORDINANCE of the [insert name of jurisdiction]

### AMENDING [if ordinance is amended prior legislation, insert reference]

1. **Purpose.** The purpose of this Ordinance is to protect the wildlife and ecosystems of TOWN, the enjoyment of nature, and the health and safety of TOWN's residents and visitors by regulating the use of balloons in the Town. This Ordinance has been determined to be necessary because balloons are a common source of litter and pose a significant risk to wildlife, the environment, our economy, public health, and safety.

WHEREAS, the [relevant legislative body] of the [name of jurisdiction], has determined that balloons released into the atmosphere return to the earth as litter; and

WHEREAS, the [relevant legislative body] believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, TOWN is home to [important organisms, habitats, nesting grounds, etc.]; and,

WHEREAS, animals, such as sea turtles [and abovementioned organisms, if applicable], mistake the remains from balloons as food, which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and,

WHEREAS, the TOWN wishes to prohibit the release of balloons; and,

WHEREAS, the [relevant legislative body] finds that these revisions to the TOWN's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

Be it ordained by the [relevant legislative body] of the TOWN as follows:

2. **Authority.** This Ordinance is adopted pursuant to the Town's Home Rule Authority granted under Art. VIII, Pt. 2, Sec 1 of the Maine Constitution and 30-A M.R.S. §3001.

### 3. Definitions.

*Balloon:* a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gases and fluids, such as helium, hydrogen, nitrous oxide, oxygen, air, or water and then sealed at the neck, usually used as a toy or decoration.

*Exterior display:* Any display of one or more balloons that occurs outside for any purpose, including but not limited to advertisements, events, commemorations, and celebrations. An exterior display is one where the balloon is attached to any kind of real or personal property.

*Person:* This term shall include the singular and the plural and shall include any person, trust, firm, club, joint stock company, corporation, cooperative, partnership, society, or association.

*Public Building:* Any building owned or leased by TOWN.

*Release:* Any knowing or intentional act resulting in balloons being displayed or released out of doors and allowed to fly in any manner that results in the loss of control over the balloon or the abandonment of the balloon.

#### **4. Prohibited Conduct.**

a) No person shall knowingly or intentionally release any balloon or balloons or cause balloons to be released in any outdoor setting or in a public building for any reason.

b) No person shall cause or allow an exterior display of balloons as defined in Section 3.

c) No balloons shall be used in any public building owned or leased by the TOWN, even if the balloons are not released or otherwise allowed to fly in any manner.

This subsection does not apply to the following:

- 1) Balloons that are used by any governmental or scientific institution for scientific or meteorological purposes.
- 2) Hot air balloons that are recovered after launching.
- 3) Balloons that are used or released indoors only in a privately owned building that is not leased to the TOWN.

#### **5. Enforcement and Penalties.**

This Ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer. Any violation of this Ordinance shall be considered a civil violation and subject to penalties as established in the TOWN's Fee and Fine Schedule for each release.

#### **6. Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

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

This ordinance shall take effect immediately upon its passage and approval, as provided by law.