**SUBJECT**

Bill 6-20, Solid Waste (Trash) – Release of Balloons - Prohibited

Lead Sponsor: Councilmember Hucker

**EXPECTED ATTENDEES**

N/A

**COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- N/A; Introduction of Bill

**DESCRIPTION/ISSUE**

Bill 6-20 would amend the Solid Waste Chapter of the County Code to:

1. prohibit the release of a balloon into the air in certain circumstances; and
2. prescribe penalties for the unlawful release of a balloon.

**SUMMARY OF KEY DISCUSSION POINTS**

- N/A; Introduction of Bill

This report contains:

- Staff Report
- Bill 6-20
- Legislative Request Report

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MEMORANDUM

February 20, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 6-20, Solid Waste (Trash) - Release of Balloons - Prohibited

PURPOSE: Introduction – no Council votes required

Council Bill 6-20 - Solid Waste (Trash) - Release of Balloons - Prohibited, sponsored by Lead Sponsor Councilmember Hucker, is scheduled to be introduced on February 25, 2020. A public hearing is tentatively scheduled for March 3 at 1:30 p.m.

Bill 6-20 would amend the Solid Waste Chapter of the Code to:
1. prohibit the release of a balloon into the air in certain circumstances; and
2. prescribe penalties for the unlawful release of a balloon.

BACKGROUND

The County Code does not currently regulate the release of balloons into the atmosphere. Several jurisdictions throughout the nation – including Queen Anne’s County, Maryland – have adopted laws to restrict balloon releases. See Queen Anne’s County Ordinance No. 19-13. These laws have been enacted in response to concerns about environmental harms caused by balloons, including harms to farms, water, and wildlife.

BILL DESCRIPTION

Bill 6-20 would generally prohibit the intentional release of balloons. A “balloon” would be defined under the legislation as: an inflatable object: (i) manufactured from plastic, latex, rubber, or mylar; and (ii) inflated with a gas that is lighter than air, such as helium.

The prohibition under the bill would not apply to the release of a balloon that is: (1) released unintentionally; (2) released by a minor child without the permission of an adult; (3) used for scientific or meteorological purposes; or (4) used solely indoors.

1 #BalloonWaste
A violation of the prohibition against releasing balloons would incur a Class A civil violation under the bill. Each release of 50 or fewer balloons at one time would constitute a separate violation.

The bill would require the Director of the Department of Environmental Protection to conduct public outreach and education regarding the prohibition against releasing balloons.

This packet contains:
Bill 6-20
Legislative Request Report

Circle #
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AN ACT to:

(1) prohibit the release of a balloon into the air in certain circumstances;
(2) prescribe penalties for the unlawful release of a balloon; and
(3) generally amend the law regarding solid waste.

By adding

Montgomery County Code
Chapter 48, Solid Waste (Trash)
Article VII, Prohibited Release of Balloons
Sections 48-59, 48-60, 48-61, and 48-62.

The County Council for Montgomery County, Maryland approves the following Act:
Sec 1. Sections 48-59, 48-60, 48-61, and 48-62 are added as follows:

ARTICLE VII. PROHIBITED RELEASE OF BALLOONS

48-59. Definitions.
(a) In this Article, the following terms have the meanings indicated.
(b) Terms defined.

Balloon means an inflatable object:
(A) manufactured from plastic, latex, rubber, or mylar; and
(B) inflated with a gas that is lighter than air, such as helium.

Balloon does not include a hot-air balloon.

Department means the Department of Environmental Protection.

Director means the Director of the Department or the Director’s designee.

Person means a natural person, an organization, or a legal entity.
Person does not include a government or government agency.

48-60. Prohibition.
(a) Except as provided in subsection (b), a person must not release or cause to be released a balloon into the air of the County.
(b) This section does not prohibit the release of a balloon that is:
(1) released unintentionally;
(2) released by a minor child without the permission of an adult;
(3) used for scientific or meteorological purposes; or
(4) used solely indoors.

48-61. Education and Outreach.
(a) The Director must conduct education and outreach regarding implementation of this Article.
(b) The education and outreach should include:
(1) direct contact with affected businesses and organizations; and
distribution of information through the County website.

(a) The Department must administer and enforce this Article.

(b) A person who violates Section 48-60 is guilty of a Class A civil violation under Section 1-19.

(c) Each release of 50 or fewer balloons at one time in violation of Section 48-60 is a separate civil violation.

(d) Presumption of responsibility. The owner of private property from which a balloon is released in violation of Section 48-60 is presumed to be responsible for the violation if the enforcement officer cannot determine which occupant of the property released the balloon.

(e) Regulations. The Executive may adopt regulations under Method (2) to administer and enforce this Article.
LEGISLATIVE REQUEST REPORT

Bill 6-20

Solid Waste (Trash) – Release of Balloons – Prohibited

DESCRIPTION: Solid Waste (Trash) – Release of Balloons – Prohibited

PROBLEM: Environmental harms of balloons released into the air.

GOALS AND OBJECTIVES: Bill 6-20 would prohibit the release of a balloon into the air in certain circumstances; and prescribe penalties for the unlawful release of a balloon.

COORDINATION: Department of Environmental Protection

FISCAL IMPACT: OMB

ECONOMIC IMPACT: Department of Finance

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Christine Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: Applicable to municipalities that have opted into the requirements of the Solid Waste Chapter of the County Code.

PENALTIES: Class A violation.