

Bill No. 6-20  
Concerning: Solid Waste (Trash) –  
Release of Balloons - Prohibited  
Revised: 01/27/2020 Draft No. 4  
Introduced: February 25, 2020  
Enacted: September 29, 2020  
Executive: September 30, 2020  
Effective: December 30, 2020  
Sunset Date: None  
Ch. 27, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Hucker

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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.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec 1. Sections 48-59, 48-60, 48-61, and 48-62 are added as follows:**

2           **ARTICLE VII. PROHIBITED RELEASE OF BALLOONS**

3           **48-59. Definitions.**

4           (a)   In this Article, the following terms have the meanings indicated.

5           (b)   Terms defined.

6                 Balloon means an inflatable object:

7                         (A)   manufactured from plastic, latex, rubber, or mylar; and

8                         (B)   inflated with a gas that is lighter than air, such as helium.

9                 Balloon does not include a hot-air balloon.

10                Department means the Department of Environmental Protection.

11                Director means the Director of the Department or the Director's  
 12                designee.

13                Person means a natural person, an organization, or a legal entity.

14                Person includes the County and its agencies.

15                Person does not include [[a]] any other government or government  
 16                agency.

17           **48-60. Prohibition.**

18           (a)   Except as provided in subsection (b), a person while in the County must  
 19                not release or cause to be released a balloon into the air of the County.

20           (b)   This section does not prohibit the release of a balloon that is:

21                         (1)   released unintentionally;

22                         (2)   released by a minor child without the permission of an adult;

23                         (3)   used for scientific or meteorological purposes; or

24                         (4)   used solely indoors.

25           **48-61. Education and Outreach.**

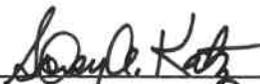
26           (a)   The Director must conduct education and outreach regarding  
 27                implementation of this Article.

- 28           **(b)**    The education and outreach should include:  
29                    (1)    direct contact with affected businesses and organizations; and  
30                    (2)    distribution of information through the County website.

31    **48-62. Enforcement.**

- 32            (a)    The Department must administer and enforce this Article.  
33            (b)    A person who violates Section 48-60 is guilty of a Class A civil violation  
34                    under Section 1-19.  
35            (c)    Each release of 50 or fewer balloons at one time in violation of Section  
36                    48-60 is a separate civil violation.  
37            (d)    Presumption of responsibility. [[The owner of private property from  
38                    which a balloon is released in violation of Section 48-60 is presumed to  
39                    be]] There is a rebuttable presumption that the owner of private property  
40                    from which a balloon in released in violation of Section 48-60 is  
41                    responsible for the violation if the enforcement officer cannot determine  
42                    which [[occupant of the property]] person released the balloon.  
43            (e)    Regulations. The Executive may adopt regulations under Method (2) to  
44                    administer and enforce this Article.

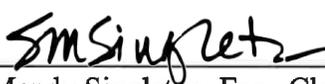
Approved:

  
\_\_\_\_\_  
Sidney Katz, President, County Council 9/30/2020  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive 9/30/20  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council 10/1/2020  
Date