



Montgomery  
County Council

**Committee:** Transportation & Environment  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #BalloonWaste

AGENDA ITEM #6A  
February 25, 2020  
**Introduction**

## 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<sup>1</sup>

PURPOSE: Introduction – no Council votes required

Council Bill 6-20 - Solid Waste (Trash) –Release of Balloons - Prohibited, sponsored by Lead Sponsor Councilmember Huckler, 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.

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<sup>1</sup> #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 #

1

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Bill No. 6-20  
Concerning: Solid Waste (Trash) -  
Release of Balloons - Prohibited  
Revised: 01/27/2020 Draft No. 3  
Introduced: February 25, 2020  
Expires: August 25, 2021  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## 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 does not include a government or government agency.

15           **48-60. Prohibition.**

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

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

19                         (1)   released unintentionally;

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

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

22                         (4)   used solely indoors.

23           **48-61. Education and Outreach.**

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

26           (b)   The education and outreach should include:

27                         (1)   direct contact with affected businesses and organizations; and

28                   (2)   distribution of information through the County website.

29   **48-62. Enforcement.**

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

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

33           (c)   Each release of 50 or fewer balloons at one time in violation of Section  
34                   48-60 is a separate civil violation.

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

39           (e)   Regulations. The Executive may adopt regulations under Method (2) to  
40                   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.