



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

AGENDA ITEM #5
July 28, 2020
Public Hearing

SUBJECT

Bill 6-20, Solid Waste (Trash) –Release of Balloons - Prohibited
Lead Sponsor: Councilmember Hucker

EXPECTED ATTENDEES

Public speakers

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; receive public testimony

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; receive public testimony

This report contains:

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MEMORANDUM

July 23, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 6-20, Solid Waste (Trash) –Release of Balloons - Prohibited¹

PURPOSE: Public hearing – no Council votes required

Council Bill 6-20 - Solid Waste (Trash) –Release of Balloons - Prohibited, sponsored by Lead Sponsor Councilmember Hucker, was introduced on February 25, 2020. A Transportation & Environment Committee worksession will be scheduled at a later date.

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:	<u>Circle #</u>
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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

Lead Sponsor: Councilmember Hucker

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.

Boldface	<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.



OFFICE OF MANAGEMENT AND BUDGET

Marc Elrich
County Executive

MEMORANDUM

Richard S. Madaleno
Director

March 26, 2020

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*

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

Please find attached the Fiscal and Economic Impact Statements for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
Adam Ortiz, Director, Department of Environmental Protection
Dennis Hetman, Department of Finance
David Platt, Department of Finance
Monika Coble, Office of Management and Budget
Rich Harris, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget
Joshua Watters, Office of Management and Budget

Office of the Director

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Fiscal Impact Statement
Council Bill 6-20, Solid Waste (Trash) – Release of Balloons – Prohibited

1. Legislative Summary

Bill 6-20 prohibits the intentional release of a balloon into the air in certain circumstances and makes the unlawful release of a balloon a Class A civil violation. The bill does not apply to instances of when balloons are released accidentally, by a minor child without the permission of an adult, or for a scientific purpose.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill 6-20 is not estimated to impact revenues or expenditures. There are very few instances of intentional balloon release in the County and minimal staff time and expenditures would be needed to implement the legislation. Similarly, any additional revenue generated by the bill would be minimal with the lack of violations to cite.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Bill 6-20 is not estimated to impact revenues or expenditures over the next 6 fiscal years.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

DEP advises that implementing the bill would likely not materially impact staff time and enforcement could be absorbed within the existing complement.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Bill 6-20 is not expected to affect the other duties of current staff.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

There are no known variables that would affect the revenue or cost estimates of Bill 6-20.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Bill 6-20 is not estimated to impact revenues or expenditures.

12. If a bill is likely to have no fiscal impact, why that is the case.


DEP reports that there have been very few instances of the release of balloons covered by Bill 6-20. Thus, implementing the bill would likely not materially impact staff time and enforcement could be absorbed within the existing complement.


13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Stan Edwards, Department of Environmental Protection
Richard H. Harris, Office of Management and Budget


Richard S. Madaleno, Director
Office of Management and Budget


Date

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

Background:

This legislation would prohibit the release of a balloon into the air in certain circumstances. The prohibition does not apply to the release of a balloon that is released unintentionally, released by a minor child without the permission of an adult, used for scientific or meteorological purpose, or used solely indoors.

1. The sources of information, assumptions, and methodologies used.

Not applicable

2. A description of any variable that could affect the economic impact estimates.

Not applicable


3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

There are no economic impacts from Bill 6-20.

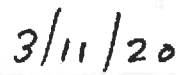
4. If a Bill is likely to have no economic impact, why is that the case?

There are no economic impacts from Bill 6-20.

5. The following contributed to and concurred with this analysis: David Platt, Finance.



Michael J. Coveyou, Acting Director
Department of Finance



Date