

Model Ordinance Banning Balloon Releases¹

AN ORDINANCE of the [insert name of jurisdiction]

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

WHEREAS, the [relevant legislative body] of the [name of jurisdiction], has determined that balloons and sky lanterns 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, [region] 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 [relevant legislative body] wishes to prohibit the release of balloons and sky lanterns; and,

WHEREAS, the [relevant legislative body] of the [name of jurisdiction] finds that these revisions to the [jurisdiction]'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 [name of jurisdiction], as follows:

Section 1. Definitions

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

Sky lantern: a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

Person: an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

Section 2. Regulated Conduct

a) No person shall release any balloon or balloons inflated with a gas that is lighter than air or any sky lantern within the jurisdictional limits of the [name of jurisdiction].

b) This subsection does not prohibit the following:

- 1) Release of balloons indoors;
- 2) Release of sky lanterns indoors; or
- 3) Release of balloons by a governmental agency for scientific or meteorological purposes.

¹ Based on ordinance in Palm Beach, FL prohibiting the release of balloons and sky lanterns. PSI developed this potential model based on actual legislation. **The specific language used may not necessarily reflect the views of PSI, and no official endorsement should be inferred.**

Section 3. Enforcement and Penalties

[Relevant government department and division] shall have the authority to enforce this ordinance. This ordinance may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to [reference to pertinent code].

Violations of this ordinance are punishable by a fine of up to \$300 per violation.

Section 4. 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.

Section 5. Effective Date

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