

Model Ordinance Banning Sale and Use of Balloons¹

AN ORDINANCE of the [insert name of jurisdiction]

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

Section 1. Purpose

The purpose of this ordinance is to protect the wildlife and ecosystems of [name of jurisdiction], the enjoyment of nature, and the health, safety, and welfare of [name of jurisdiction]'s residents and visitors by banning the use of balloons as it has been determined that balloons pose a risk and nuisance to the environment, particularly to wildlife and marine animals, so as to constitute a public nuisance.

Section 2. 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

Section 3. Regulated Conduct

It shall be unlawful for any person to sell, use, or distribute any type of balloon (including, and not limited to latex, Mylar balloons, or water balloons). No person shall dispose of any balloon in any manner, including by release into the air, other than being contained in a trash bag and transported to the Transfer Station.

Section 4. 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].

Each day of violation, after written notice, is a separate violation. If non-criminal disposition is elected, then any person that violates any provision of this ordinance shall be subject to the following penalties:

- First Offense: written warning
- Second Offense: \$25 penalty
- Third and subsequent offense: \$50 penalty

Section 5. 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 6. Effective Date

This ordinance shall take effect on [Month date, year].

¹ Based on ordinance in New Shoreham, RI prohibiting the sale and use of balloons. 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.**