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

ARTICLE VII. PROHIBITED RELEASE OF BALLOONS

48-59. Definitions.

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

(b) Terms defined.

Balloon means an inflatable object:

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

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

Balloon does not include a hot-air balloon.

Department means the Department of Environmental Protection.

Director means the Director of the Department or the Director’s
designee.

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

Person includes the County and its agencies.

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

48-60. Prohibition.

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

(b) This section does not prohibit 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.

48-61. Education and Outreach.

(a) The Director must conduct education and outreach regarding
implementation of this Article.
(b) The education and outreach should include:

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

(2) distribution of information through the County website.

**48-62. Enforcement.**

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

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

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

(d) *Presumption of responsibility.* [[The owner of private property from which a balloon is released in violation of Section 48-60 is presumed to be] There is a rebuttable presumption that the owner of private property from which a balloon is released in violation of Section 48-60 is responsible for the violation if the enforcement officer cannot determine which [[occupant of the property]] person released the balloon.

(e) *Regulations.* The Executive may adopt regulations under Method (2) to administer and enforce this Article.
Approved:

Sidney Katz, President, County Council 9/30/2020

Approved:

Marc Elrich, County Executive 9/30/20

This is a correct copy of Council action.

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