

Bill No. 6-20
Concerning: Solid Waste (Trash) –
Release of Balloons - Prohibited
Revised: 01/27/2020 Draft No. 4
Introduced: February 25, 2020
Enacted: September 29, 2020
Executive: September 30, 2020
Effective: December 30, 2020
Sunset Date: None
Ch. 27, Laws of Mont. Co. 2020

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 includes the County and its agencies.

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

17 **48-60. Prohibition.**

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

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

21 (1) released unintentionally;

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

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

24 (4) used solely indoors.

25 **48-61. Education and Outreach.**

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

- 28 (b) The education and outreach should include:
- 29 (1) direct contact with affected businesses and organizations; and
- 30 (2) distribution of information through the County website.

31 **48-62. Enforcement.**

- 32 (a) The Department must administer and enforce this Article.
- 33 (b) A person who violates Section 48-60 is guilty of a Class A civil violation
- 34 under Section 1-19.
- 35 (c) Each release of 50 or fewer balloons at one time in violation of Section
- 36 48-60 is a separate civil violation.
- 37 (d) Presumption of responsibility. [[The owner of private property from
- 38 which a balloon is released in violation of Section 48-60 is presumed to
- 39 be]] There is a rebuttable presumption that the owner of private property
- 40 from which a balloon in released in violation of Section 48-60 is
- 41 responsible for the violation if the enforcement officer cannot determine
- 42 which [[occupant of the property]] person released the balloon.
- 43 (e) Regulations. The Executive may adopt regulations under Method (2) to
- 44 administer and enforce this Article.

Approved:



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

Approved:



Marc Elrich, County Executive 9/30/20
Date

This is a correct copy of Council action.



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