



**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**PROPOSED LOCAL LAW ESTABLISHING CHAPTER 4A OF THE TOWN CODE
ENTITLED "BALLOONS"**

LOCAL LAW MEMORANDUM

Purpose of Law:

The purpose of the local law is to establish Chapter 4A of the Code of the Town of North Hempstead to be entitled "Balloons" to prohibit the intentional release of balloons in the Town in order to reduce the negative impact that balloons have on the environment.

Budget Implications:

The adoption of the proposed local law may have direct budgetary implications.

Explanation:

Matter in **bold** and underscoring is new; matter in brackets with strikethrough [~~—~~] is old law to be omitted.

**A LOCAL LAW ESTABLISHING CHAPTER 4A OF THE
TOWN CODE ENTITLED "BALLOONS".**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent.

It is the purpose and intent of the Town Board to establish Chapter 4A of the Code of the Town of North Hempstead entitled "Balloons" to prohibit the intentional release of balloons in order to reduce the negative impact that balloons have on the environment and improve the quality of life for residents, wildlife and marine animals.

Section 2.

Chapter 4A of the Town Code entitled "Balloons" is hereby established to read as follows:

Chapter 4A
Balloons

§ 4A-1 Purpose.

The purpose of this chapter is to prohibit the intentional release of helium, latex, mylar and/or lighter-than-air balloons in order to reduce the negative impact that balloons have on the environment and improve the quality of life for residents, wildlife and marine animals.

Balloons waste natural resources, litter communities, pollute waterways and are harmful to the wildlife. Balloon ribbon is also hazardous to marine animals and wildlife.

The Town of North Hempstead believes all efforts need to be made to prevent further damage to the environment by requiring the proper disposal of balloons and prohibiting the intentional release of balloons.

§ 4A-2 Definitions.

Unless otherwise expressly provided, for the purpose of this chapter, the following words have the meanings herein indicated:

BALLOON

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

§ 4A-3 Restriction on Intentional Release of Balloons.

- A. No person, not for profit organization, firm, corporation, municipality or other entity shall intentionally or knowingly release, organize the release of, condone the release of, or intentionally cause to be released into the atmosphere, any balloon within the Town of North Hempstead.
- B. No person, not for profit organization, firm, corporation, municipality or other entity shall dispose of any balloon, except in public receptacles or in authorized private receptacles within the Town of North Hempstead.

§ 4A-4 Exceptions.

The restrictions contained in § 4A-3 shall not apply to:

- A. Balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- B. Hot air balloons that are recovered after launching; and
- C. Balloons released indoors, except that such balloons must be disposed of in accordance with § 4A-3.

§4A-5 Notification of Restrictions

Any business organization, including, but not limited to, any individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity of any kind who or which sells or offers for sale helium or lighter-than-air gas balloons to any person within the Town of North Hempstead for compensation shall disclose, in writing, the restrictions set forth in § 4A-3 of this chapter by conspicuously posting a statement of these restrictions at each point of sale (all capital letters not less than two inches in height on a contrasting background). The statement shall read as follows:

IT IS UNLAWFUL TO RELEASE HELIUM OR LIGHTER-THAN-AIR BALLOONS IN THE TOWN OF NORTH HEMPSTEAD.

§4A-6 Penalties for offenses.

Any person, not for profit organization, firm, corporation, municipality or other entity committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$500 or by imprisonment for a term not exceeding 15 days, or by both

such fine and imprisonment. Each day's continued violation shall constitute a separate offense.

§ 4A-7 Severability.

If any clause, sentence, section, paragraph or provision of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter which shall remain in full force and shall be deemed severable.

Section 3.

This local law shall take effect immediately upon filing with the Secretary of State.