

LOCAL LAW INTRO. NO. - 2023

A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. 1. A new Chapter 539 is hereby added to the Laws of Westchester County to read as follows:

Chapter 539

Intentional Balloon Release Ban

§Sec. 539.01. Findings and Legislative Intent.

1. The County Board finds that latex and Mylar balloons are the most common form of floating garbage within two-hundred (200) miles of the American shorelines, and that balloons are listed as the most dangerous debris item as they are frequently mistaken by sea life as food, as determined by the Ocean Conservancy. Balloons are composed of materials that cannot be digested by marine and animal life, causing animals to either choke on the balloon or create an intestinal obstruction, which will kill the animal. Balloon ribbons similarly have been found to be hazardous, as they can choke or entangle animals in a manner that limits their mobility.
2. This chapter intends to enhance the protection of the environment. Prohibiting the intentional release of helium filled balloons will reduce the amount of debris in waterways and protect the environment. Balloons waste natural resources, litter our communities, and pollute our environment.

Sec. 539.02. Definitions

Balloon - A flexible porous or nonporous bag made from materials, including but not limited to rubber, latex, polychloroprene, Mylar® or other similar foil and polyester materials, 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.

Sec. 539.03. Restriction on Intentional Release of Balloons.

1. No person, firm, corporation or other entity shall organize the release of or intentionally release or intentionally cause to be released any balloon.
2. No person, firm, corporation or other entity shall intentionally dispose of any balloon, except in public receptacles, in private receptacles, or in authorized commercial receptacles.

Sec. 539.04. Exceptions.

These restrictions shall not apply to:

1. 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;
2. Hot air balloons that are recovered after launching;
3. Balloons released indoors, that remain indoors and are properly disposed of pursuant to §539.03(2).
4. Balloons that are not part of an organized release and are unintentionally released.

Sec. 539.05. Penalties.

1. A violation of this Chapter is punishable by a fine not exceeding \$50.
2. A second and subsequent violation for the same offense is punishable by a fine of no more than \$250.

Sec. 539.06. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance be adjudged by any court of competent jurisdiction invalid or unconstitutional, that order or judgment will not affect, impair or invalidate the remainder thereof but will be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which that order or judgment is rendered.

§2. This Local Law shall take effect immediately.