

**RESOLUTION ADOPTING LOCAL LAW CREATING VILLAGE CODE CHAPTER
214, BALLOONS, TO REGULATE THE RELEASE OF BALLOONS IN THE VILLAGE
OF SAG HARBOR**

WHEREAS, the Village Board of the Village of Sag Harbor is seeking to regulate the release of balloons within the Village of Sag Harbor for the purpose of mitigating the environmental impacts of balloons by requiring the proper disposal of balloons and prohibiting the intentional release of balloons; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law creating Village Code Chapter 214, Balloons to regulate the release of balloons within the Village of Sag Harbor; and

WHEREAS, a public hearing was held on June 14, 2022, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis, determined that the proposed action is a Type II Action pursuant to the State Environmental Quality Review Act, (SEQRA), and no further environmental review is required; and now, therefore, be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 5 OF 2022

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

A LOCAL LAW to create Village Code Chapter 214, Balloons to regulate the release of balloons within the Village of Sag Harbor.

SECTION 1. Legislative Intent.

This legislation is intended to reduce the negative impact that balloons have on the environment by prohibiting the sale of balloons filled with helium or other lighter than air gasses within the Village of Sag Harbor and discouraging the intentional release of balloons into the environment.

SECTION 2. Amendment. Please see the following and create Village Code Chapter 214, Balloons adding those words that are underlined:

Chapter 214. Balloons

§ 214-1. Definitions

As used in this article, the following terms shall have the meanings indicated:

BALLOON

A flexible nonporous bag made from materials such as rubber, latex, polychloroprene, Mylar 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.

§ 214-2. Restriction on intentional release of balloons; prohibition on sale of certain balloons.

A.

No person shall intentionally release or dispose of any balloon, except in public receptacles, in authorized private receptacles, or in authorized commercial receptacles.

B.

No person, firm, corporation or other entity shall organize the release of, condone the release of, or intentionally cause to be released any balloon.

C. No person, firm, corporation or other entity shall engage in the sale and/or distribution of mylar, foil and/or any balloons filled with helium or any other type of lighter than air gas, whether for public or private use.

§ 214-3. Exceptions.

These restrictions 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 by a person on behalf of a governmental agency or pursuant to a government contract for scientific or meteorological purposes;

B.

Hot air balloons that are recovered after launching;

C.

Balloons released indoors, that remain indoors and are properly disposed of pursuant to §214-2(A).

§ 214-4. Penalties for offenses.

Any person committing an offense against any provision of this article 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 \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SECTION 3. Authority. The proposed local law is enacted pursuant to Municipal Home Rule Law §§ 10(1), 10(1)(ii)(a)(11) and 10(1)(ii)(a)(12).

SECTION 4. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date. This local law shall take effect upon filing with the Secretary of State.