

**RESOLUTION NO. 809 -2019, ADOPTING LOCAL LAW
NO. 31 -2019, A LOCAL LAW TO PROHIBIT THE RELEASE
OF HELIUM FILLED BALLOONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 18, 2019, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE RELEASE OF HELIUM FILLED BALLOONS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 31 -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE RELEASE OF HELIUM
FILLED BALLOONS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Ocean Conservancy determined that latex and Mylar balloons are the most common form of floating garbage within 200 miles of American shorelines.

This Legislature also finds that the Ocean Conservancy also listed balloons as the second most dangerous debris item, as they are frequently mistaken by sea life as food.

This Legislature further finds that balloons are composed of materials that cannot be digested by marine life, causing animals to either choke on the balloon or creating an intestinal obstruction which will kill the animal.

This Legislature finds that while latex balloons breakdown over time into a sticky substance in salt water, Mylar or foil balloons never degrade.

This Legislature determines that balloon ribbon is also hazardous, as it can choke or entangle marine life in a manner that limits their mobility.

This Legislature also determines that balloon debris on Suffolk County beaches is prolific despite an existing County law limiting the quantity of helium filled balloons that can be released to 25 per event in a twenty-four hour period.

This Legislature also finds that the most effective way to reduce balloon debris in the County's waterways and protect the environment is to prohibit the intentional release of helium filled balloons entirely.

Therefore, the purpose of this local law is to amend Chapter 310 of the SUFFOLK COUNTY CODE to prohibit the intentional release of helium filled balloons in Suffolk County.

Section 2. Amendments.

Chapter 310 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 310. BALLOONS, HELIUM

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§ 310-2. Release prohibited.

No person, nonprofit organization, firm, corporation, or municipality shall knowingly release, organize the release of, condone the release of, or intentionally cause to be released into the atmosphere [, within a twenty-four-hour period, 25 or more] helium or lighter-than-air gas balloons within the County of Suffolk.

§ 310-3. 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 County of Suffolk for compensation shall disclose, in writing, the restrictions set forth in §310-2 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). This statement shall read as follows:

IT IS UNLAWFUL TO RELEASE [MORE THAN 25] HELIUM OR LIGHTER-THAN-AIR GAS BALLOONS IN SUFFOLK COUNTY.

* * * *

§ 310-7. Applicability.

- A. This chapter shall apply to the sale, distribution, or use of helium or lighter-than-air gas balloons in Suffolk County occurring on or after the effective date of this chapter.
- B. This chapter shall not apply to a release of balloons [made] being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure, balloons released on behalf of a government agency or pursuant to a government contract for scientific or meteorological purposes, hot air balloons that are recovered after launching, and balloons released indoors.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: September 4, 2019

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 27, 2019

After a public hearing duly held on September 19, 2019
Filed with the Secretary of State on October 15, 2019