

# ENROLLED

## COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

### LEGISLATIVE SESSION, 2019

#### BILL 2019 - 08

**Introduced: November 5, 2019**

By: The President of the Council at the request of the County Executive

**AN ACT TO AMEND WICOMICO CODE, CHAPTER 174 – NUISANCES, TO ADD ARTICLE III– BALLOONS, SECTION 174-14 through 174-17 TO PROHIBIT THE RELEASE OF BALLOONS INTO THE ATMOSPHERE.**

WHEREAS, the County Council of Wicomico County finds that the release into the atmosphere of balloons inflated with lighter-than-air gasses poses a danger and nuisance to the environment, agricultural industry, wildlife, and marine animals;

WHEREAS, the County Council of Wicomico County desires to protect the waters, and overall environment of Wicomico County from the negative impact of balloons released within Wicomico County, by making the release of such balloons the subject of a civil infraction

**SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, an act to amend Wicomico County Code, Chapter 174 – Nuisances to read:**

#### CHAPTER 174

#### NUISANCES

#### ARTICLE III – BALLOONS

#### SECTION 174-14 DEFINITIONS.

1. BALLOON MEANS A NONPOROUS BAG OF AIR TIGHT MATERIAL, GENERALLY LATEX OR MYLAR, WHETHER FILLED OR UNFILLED.
2. PERSON MEANS ANY NATURAL PERSON FIRM, CORPORATION, PARTNERSHIP OR OTHER ORGANIZATION OR GROUP, HOWEVER ORGANIZED.

#### SECTION 174-15 RELEASE OF BALLOONS PROHIBITED.

IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS TO KNOWINGLY AND INTENTIONALLY RELEASE, ORGANIZE THE RELEASE OF, OR INTENTIONALLY CAUSE TO BE RELEASED INTO THE ATMOSPHERE OF WICOMICO COUNTY A BALLOON.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO (i) A BALLOON RELEASED BY OR ON BEHALF OF ANY AGENCY OF THE STATE OF MARYLAND,

OR THE UNITED STATES OR PURSUANT TO A CONTRACT WITH THE STATE OF MARYLAND, THE UNITED STATES, OR ANY OTHER STATE, TERRITORY OR GOVERNMENT FOR SCIENTIFIC OR METEOROLOGICAL PURPOSES; (ii) A BALLOON RELEASE FOR SCIENTIFIC OR METEOROLOGICAL PURPOSES BY AN INSTITUTION OF HIGHER EDUCATION CONDUCTING RESEARCH; (iii) A HOT AIR BALLOON THAT IS RECOVERED AFTER LAUNCH; OR (iv) THE NEGLIGENT AND UNINTENTIONAL RELEASE OF ANY BALLOON.

SECTION 174-16 VIOLATIONS AND PENALTIES.

ANY PERSON WHO VIOLATES THIS ARTICLE SHALL BE GUILTY OF A CIVIL INFRACTION AND SUBJECT TO A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250.00).

EACH ACT OF RELEASING, OR ORGANIZING THE RELEASE OF A BALLOON, CONSTITUTES A SEPARATE VIOLATION.

SECTION 174-17 ~~PREEMPTION OR AMENDMENT~~ APPLICABLE STATE REGULATION.

THIS ARTICLE SHALL BE INTERPRETED TO SYNCHRONIZE WITH STATE LEGISLATION. IF CONDUCT REGULATED BY THIS ARTICLE IS SUBJECT TO REGULATION BY OR PURSUANT TO STATE LEGISLATION, THAT REGULATION SHALL APPLY, INCLUDING THE PROHIBITED ACT(S) AND PENALTY THEREUNDER.

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2019-08 of Wicomico County, Maryland and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 3rd day of December, 2019.

COUNTY COUNCIL OF WICOMICO  
COUNTY, MARYLAND

  
\_\_\_\_\_  
John T. Cannon, Council President (SEAL)

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

  
\_\_\_\_\_  
Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL—STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2019 Legislative Session

Legislative Day No. 24

**LEGISLATIVE BILL NO. 2019-08**

**INTRODUCED BY:** The President of the Council at the request of the County Executive

**Bill No. 2019-08:** To amend Wicomico Code, Chapter 174- Nuisances, to add Article III- Balloons, Section 174-14 through 174-17 to prohibit the release of balloons into the atmosphere.

Introduced and read first time on November 5, 2019. Ordered posted and public hearing scheduled for December 3, 2019 at 6:00 p.m.



Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on December 3, 2019 and concluded on December 3, 2019.



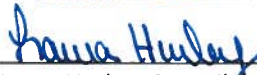
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 3<sup>rd</sup> day of December, 2019.



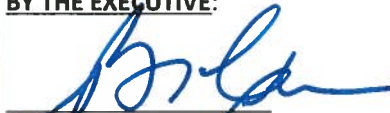
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 4<sup>th</sup> day of December at 9:40 a.m. (5 days §411)



Laura Hurley, Council Administrator

**BY THE EXECUTIVE:**



County Executive

APPROVED

Date: 12/9/19  
(21 days §411)

VETOED

Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on December 9, 2019 and effective on: February 7, 2020.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Executive within 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2019-08 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

  
Laura Hurley, Council Administrator