

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2018-19

Title: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 419 – LITTERING, OF THE CODE OF THE TOWNSHIP OF LOWER, IN ORDER TO ESTABLISH ARTICLE III, PROHIBITING THE RELEASE OF BALLOONS INFLATED WITH HELIUM OR OTHER GASES THAT ARE LIGHTER THAN AIR WITHIN THE TOWNSHIP OF LOWER.**

WHEREAS, the Township of Lower has expressed a desire to ban the release of balloons inflated with helium or other gases that are lighter than air by amending and supplementing Chapter 419, Littering, of the code of the Township of Lower; and

WHEREAS, the intentional release of balloons inflated with helium or other gases that are lighter than air ultimately become dangerous pieces of litter which create safety hazards and may cause harm to wild life and marine life; and

WHEREAS, the Township hereby prohibits any person, organization, firm or corporation from intentionally releasing, organizing the release, or intentionally causing the release of balloons inflated with helium or other gases that are lighter than air, into the air within Township limits.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. Chapter 419, Article III – Release of Balloons, is hereby enacted as follows:

419-24 Purpose and Intent

This article is enacted in order to protect the environment, particularly marine life and wild life, and the health, safety and well-being of persons and property by prohibiting the release of balloons, including but not limited to latex and mylar balloons, inflated with helium or other gases that are lighter than air, into the air within Township limits, as it has been determined that the release of balloons inflated with helium or other gases that are lighter than air pose a danger and a nuisance to the environment, particularly marine life and wild life, in the form of dangerous litter, and which may pose a threat to the safety of the general public and their property. It has also been recognized and acknowledged that when a mylar balloon contacts a power line, its metallic properties can cause the equipment to short-circuit which can cause power outages and/or fires.

419-25 Prohibited Releases; Exceptions:

It shall be unlawful for any person, organization, firm or corporation to intentionally release, organize the release, or intentionally cause to be released, balloons inflated with a gas that is lighter than air within the Township of Lower limits except for:

- A. Balloons released by a person on behalf of a government agency or pursuant to a governmental contract for scientific or meteorological purposes.
- B. Hot air balloons that are recovered after launching
- C. Balloons released indoors.

419-26 Violations and Penalties

Any person, organization, firm or corporation violating the provisions of this section, shall be subject to a fine of not less than \$100, nor more than \$500.

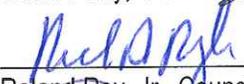
Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

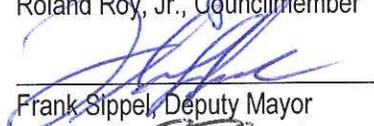
Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

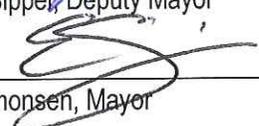
Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.


Thomas Conrad, Councilmember


David Perry, Councilmember

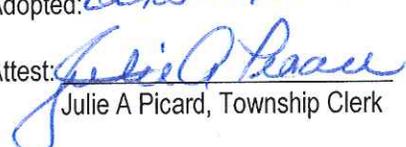

Roland Roy, Jr., Councilmember


Frank Sippel, Deputy Mayor


Erik Simonsen, Mayor

First Reading: September 5, 2018

Adopted: *October 1, 2018*

Attest: 
Julie A Picard, Township Clerk