

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1613 (2017)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY BY AMENDING CHAPTER 3 TO ADD A NEW SECTION TO PROHIBIT THE RELEASE OF BALLOONS INFLATED WITH HELIUM OR OTHER GASES THAT ARE LIGHTER THAN AIR, SKY LANTERNS OR OTHER SIMILAR AIRBORNE DEVICES INTO THE ATMOSPHERE.

WHEREAS, the City of Sea Isle City is desirous of banning the release of balloons inflated with helium or other gases that are lighter than air, sky lanterns or other similar airborne devices by amending its Ordinances; and

WHEREAS, the intentional release of balloons inflated with helium or other objects that are inflated with gases that are lighter than air, sky lanterns or similar airborne devices become dangerous pieces of litter, create a serious fire and safety hazard, and may cause harm to animals; and

WHEREAS, the City 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, sky lanterns or other similar airborne devices to be released into the atmosphere within the City limits; and

WHEREAS, it is hereby determined that Environmental Commission is the best arm of the City to develop and implement programming for the education of citizens, residents and visitors to the risks and dangers inherent in the intentional release of balloons and aerial luminary lanterns.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Sea Isle City, in the County of Cape May, State of New Jersey, as follows:

SECTION I. Chapter 3 Section 10 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to use section entitled "RESERVED" to read as follows:

DELETED SECTION

3-10 RESERVED.

ADDED SECTION:

3-10 Balloons and Sky Lanterns; Release Prohibited.

SECTION II. Chapter 3 Section 10.1 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to add a new section entitled "Purpose and Intent" in its entirety to read as follows:

ADDED SECTION:

3-10.1 Purpose and Intent.

This article is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of Aerial Luminary Lanterns and Helium Balloons into the atmosphere. The balloons include latex and Mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

Also when a Mylar balloon contacts a power line, its metallic properties can cause the equipment to short-circuit. The spark could lead to a power outage and/or fire. These balloons tend to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

This Article is intended to foster the education of the public to the dangers and risks to the citizens, residents and visitors to Sea Isle City posed by the intentional release of balloons and aerial luminary lanterns. To that end this Ordinance shall add the duty to educate the public as to these dangers to the other duties of the Sea Isle City Environmental Commission.

SECTION III. Chapter 3 Section 10.2 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to add a new section entitled "Definition" in its entirety to read as follows:

ADDED SECTION:

3-10.2 Definition.

Aerial Luminary Lantern any device designed to be airborne upon release into the environment regardless of fuel source including sky lanterns.

Balloon a bag made of thin rubber or other light material, usually brightly colored, inflated with air or with some lighter-than-air gas.

Sky Lantern an airborne paper lanterns that are constructed of oiled rice paper on a bamboo frame, and contain a small candle or fuel cell composed of a waxy flammable material. NJ Division of Fire Safety Bulletin 2013-3 http://www.nj.gov/dca/divisions/dfs/alerts/bulletins/bulletin_2013-3_sky_lanterns.pdf

SECTION IV. Chapter 3 Section 10.3 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to add a new section entitled "Prohibited Releases" in its entirety to read as follows:

ADDED SECTION:

16-10.3 Prohibited Releases.

a It shall be unlawful for any person, firm or corporation to intentionally release or cause to be released an untethered sky lantern, aerial luminary lantern or similar device. [Source: 2015 International Fire Code, Section 308.1.6.3]

b It shall be unlawful for any person, 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 City of Sea Isle City except for:

- 1 Balloon released 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.

SECTION V. Chapter 3 Section 10.4 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to add a new section entitled "Environmental Commission; Education and Programming" in its entirety to read as follows:

ADDED SECTION:

3-10.4 Environmental Commission; Education and Programming.

It shall be the responsibility of the Environmental Commission as part of its duties under Chapter 2, Section 19 to develop, initiate, and oversee a program for the education of citizens, residents and visitors to the City of Sea Isle City on the dangers inherent in releases prohibited herein.

SECTION VI. Chapter 3 Section 10.5 of the Revised General Ordinances of the City of Sea Isle City, is hereby amended to add a new section entitled "Violations and Penalties" in its entirety to read as follows:

ADDED SECTION:

16-10.5 Violations and Penalties.

Any person, organization, firm, or corporation violating any provision of this Article shall, upon conviction thereof, be subject to a fine of no more than \$500.00. By way of better serving the community by educating the public on what happens to balloons after they are released into the atmosphere a person or persons found guilty of violating this Article may assist in the process of educating the public on why not to release balloons into the atmosphere in lieu of the fine. Any violators seeking the option of assisting in educating the public shall be referred to the City of Sea Isle City Environmental Commission to foster the Commission in its endeavors.

SECTION VII. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION VIII. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency. City Council of the City of Sea Isle City may review this legislation by year end 2017.

SECTION IX. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Mary Tighe, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 12th day of September, 2017 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 10th day of October, 2017, in City Hall, 3rd Floor Council Chambers, 233 John F. Kennedy Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Cindy L. Griffith, Municipal Clerk