

ORDINANCE NO. 18-2019

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN REGULATING BALLOONS AND AERIAL LUMINARIES IN
THE BOROUGH OF EATONTOWN**

WHEREAS, the Mayor and Council of the Borough of Eatontown are aware of the problems caused by the release of balloons and other luminaries with lighter-than-air gases, and the danger and nuisances caused to the environment, wildlife and marine animals due to the release of such items in the atmosphere; and

WHEREAS, communities throughout the State of New Jersey have determined that the regulation of release of such balloons and other luminaries is necessary for the protection of the public; and

WHEREAS, the Mayor and Council of the Borough of Eatontown deem it in the best public interest to create an Ordinance which regulates the use of the aforesaid items in order to protect the public and carry out the policies of the Borough of Eatontown and the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey as follows:

CHAPTER 102,

BALLOONS AND AERIAL LUMINARIES

§102-1. RELEASE OF BALLOONS AND OTHER AERIAL LUMINARIES.

- A. Purpose and Intent. This Chapter 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 pose a danger and nuisance to the environment, particularly to wildlife and marine animals. Also, when Mylar balloons contact a power line their 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. Aerial luminaries can cause fires and also eventually return to Earth as litter.
- B. Distribution. When individual helium balloons are distributed, they must be attached to a weight.
- C. Release Prohibited; Exceptions. It shall be unlawful for any person, firm or corporation to intentionally release, organize the release of or intentionally cause to be release balloons inflated with gas that is lighter-than-air within the Borough of Eatontown limits, except for:
 - 1. Balloons released for scientific or meteorological purposes by a person on behalf of a government agency or pursuant to a governmental contract.
 - 2. Hot air balloons that are recovered after launching.
 - 3. Balloons released indoors.
- D. Violations and Penalties. Any person, firm, corporation, limited liability company or association violating any provision of this Chapter shall, upon conviction thereof, be subject to a fine not exceeding \$2,000.00; imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days, or any combination thereof. Each day that a violation continues shall be considered a separate and distinct violation.

§102-2. RELEASE OF AERIAL LUMINARY LANTERNS.

- A. Release Prohibited. No person, firm or corporation shall release or cause to be released an aerial luminary, commonly known as "sky lantern," "Hawaii lantern," "Kongming lantern," "Chinese lantern," "sky candle," "fire balloon," or "flying luminary," or any other device that uses or carries an open flame within the Borough of Eatontown's limits. As used in this Chapter, "aerial luminary" means an airborne paper lantern containing a candle or other device for fuel that heats air from inside the lantern, causing the lantern to rise into the air and remain airborne until the candle or fuel extinguishes.
- B. Violations and Penalties. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction thereof, be subject to a fine not exceeding \$2,000.00; imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days, or any combination thereof. Each day that a violation continues shall be considered a separate and distinct violation.

BE IT FURTHER ORDAINED, that

- A. If any section or provision of this Chapter thereof shall be adjudged invalid, such determination shall not affect the other sections or provisions thereof, which shall remain in full force and effect.
- B. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: July 10, 2019
DATE ADOPTED: August 28, 2019

APPROVED:



ANTHONY TALERICO, JR., MAYOR
Date: 8-29-2019

ATTEST:



JULIE MARTIN, MUNICIPAL CLERK
Date: 8-29-2019

