



**Southampton Town Board**

116 Hampton Road  
Southampton, NY 11968

Meeting: 06/22/21 06:00 PM

Department: Town Attorney

Category: Local Laws

Prepared By: Christine Preston Scalera

Initiator: James Burke

Sponsors: Councilman John Bouvier

DOC ID: 36805

**ADOPTED**

**TOWN BOARD RESOLUTION 2021-652**

**Resolution of Adoption to Amend Town Code Chapter 107  
entitled "Balloons" By Prohibiting the Sale and/or  
Distribution of Certain Balloons**

WHEREAS, the Town Board of the Town of Southampton is considering amending Town Code Chapter 107, entitled "Balloons" by prohibiting the sale and/or distribution of certain balloons; and

WHEREAS, public hearings were held on May 11, 2021 and June 8, 2021, with a written comment period which closed on June 15, 2021, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that this proposed local law is considered a "Type II Action" under 6 NYCRR Part 617.5 of the Town Code, and no further review under New York Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 21 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 21 OF 2021

A LOCAL LAW amending Southampton Town Code Chapter 107, entitled "Balloons" by prohibiting the sale and/or distribution of certain balloons

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

**Section 1. Legislative Intent.**

This legislation is intended to reduce the negative impact that balloons have on the environment by ~~discouraging~~ prohibiting the intentional release of balloons in the Town of Southampton and in prohibiting the sale and/or distribution of any type of balloon, filled with any type of lighter than air gas. Balloons, in their many forms, waste natural resources, litter our communities, pollute our waterways, ~~and~~ kill wildlife and in the case of balloons capable of electrical conductivity present an additional danger if in contact with power lines when even accidentally released. Further, Helium gas, used in connection with medical and scientific needs is a non-renewable, scarce resource. The Town of Southampton believes all efforts need to be made to prevent further damage by requiring the proper disposal of balloons generally, and by prohibiting of the intentional release of balloons, and or the sale and/or distribution of any type of balloon, filled with any type of lighter than air gas

**Section 2. Amendment.**

The Southampton Town Code is amended by adding the underlined words in Chapter 107 Entitled, "Balloons" as follows:

**CHAPTER 107: BALLOONS****§107-3. Restriction on Sale and/or Distribution of Certain Balloons Exceptions:**

- A. As of June 1, 2022 it shall be prohibited for any person, firm, corporation or other entity to engage in the sale and/or distribution of mylar, foil and/or any balloons filled with any type of lighter than air gas, whether for public or private use.

**§ 107-3-4. Exceptions. Penalties for offenses.**

These restrictions shall not apply to:

- A. Balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental 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, that remain indoors and are properly disposed of pursuant to §107-2(B).~~

**§ 107-4\_5. Penalties for offenses.**

A. Violations; misdemeanors.

**(1)** Violations. A first violation of this chapter shall be punishable by a fine not to exceed \$350 or imprisonment for a period not to exceed 15 days, or both. A second conviction shall be punishable by a fine not to exceed \$500 or imprisonment for a period not to exceed 15 days, or both. A third conviction shall be punishable by a fine not to exceed \$750 or imprisonment for a period not to exceed 15 days, or both. In addition, any person who is convicted pursuant to this section shall be required to pay a mandatory water quality protection surcharge of \$100. The water quality protection surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction, who shall thereafter pay such money to the Town Comptroller, who shall administer such money in accordance with the provisions of § **8-6.2** of this Code. Each day's continued violation shall constitute a separate offense.

**(2)** Misdemeanors. Any person found to have a subsequent violation of this chapter shall be guilty of an unclassified misdemeanor which shall be punishable by a fine of not less than \$1,000 or, in each case, by imprisonment for a period not to exceed one year, or both. Each day that the offense continues shall constitute a separate additional misdemeanor.

**Section 3. Authority.**

The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(1)(ii)(d)(3).

**Section 4. Severability.**

If any section or subsection, paragraph, clause, phrase, or provision of this law shall be

adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 5. Effective Date.**

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

**NOTICE OF ADOPTION**

TAKE NOTICE, that after a public hearing was held by the Town Board of the Town of Southampton on May 11, 2021 and June 8, 2021, the Town Board at it’s meeting of June 22, 2021, adopted Local Law No. 21 of 2021, as follows: “A LOCAL LAW amending Chapter 107 entitled, “Balloons” by prohibiting the sale and/or distribution of certain balloons.

Copies of the proposed law, sponsored by Councilman Bouvier, are on file in the Town Clerk’s Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD  
TOWN OF SOUTHAMPTON, NEW YORK  
SUNDY A. SCHERMEYER, TOWN CLERK

**Financial Impact**

None

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	John Bouvier, Councilman
<b>SECONDER:</b>	Rick Martel, Councilman
<b>AYES:</b>	Jay Schneiderman, Rick Martel, John Bouvier, Tommy John Schiavoni
<b>NAYS:</b>	Julie Lofstad