

**TOWN OF KENNEBUNK**

**BOARD OF SELECTMEN - ORDINANCE REVIEW SUBCOMMITTEE**

**TUESDAY, JANUARY 8, 2019 5:30–6:30 P.M. \***

**KENNEBUNK TOWN HALL – THIRD FLOOR**

**AGENDA**

1. Call to Order
2. Discuss a Draft Ordinance Prohibiting the Release and Display of Balloons, as prepared by the Town's attorney.
3. Adjourn

\* Note: The Board of Selectmen's Regular Meeting begins at 6:30 p.m. in Room 301.

*Selectmen Committee Members: Christopher Cluff, Shiloh Schulte, Wayne Berry*

*Staff: Town Manager Michael Pardue, Finance Director Joel Downs  
and Town Clerk Merton Brown*

## ORDINANCE PROHIBITING THE RELEASE AND DISPLAY OF BALLOONS

1. **Purpose.** The purpose of this Ordinance is to protect the wildlife and coastal ecosystems of Kennebunk, the enjoyment of nature, and the health, safety and welfare of Kennebunk's residents and visitors by regulating the use of balloons within the Town. The Ordinance has been determined to be necessary because balloons pose a risk to the environment, particularly to wildlife and marine animals, public health, children and those with latex allergies.

2. **Authority.** This Ordinance is adopted pursuant to the Town's Home Rule Authority granted under Art VIII, Pt. 2, Sec 1 of the Maine Constitution and 30-A M.R.S. §3001.

### 3. Definitions.

**Balloon:** A flexible nonporous bag made from materials including but not limited to rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with fluid, including but not limited to helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the neck, usually used as a toy or decoration.

**Fixed exterior display:** Any display of balloons that occurs outside of a building for any purpose, including but not limited to advertisements, sporting events, and celebrations. A fixed display is one where the balloon is attached to a structure or anything attached to a structure, a sign, or a group of other balloons that are attached to each other.

**Person:** This term shall include the singular and the plural, and shall mean and include any person, firm or corporation, association, club, partnership or society.

**Public building:** Any building owned or leased by the Town of Kennebunk.

**Release:** Any knowing or intentional act resulting in balloons being displayed or released out of doors and allowed to fly in any manner that results the loss of control over the balloon or the abandonment of the balloon.

**Structure:** A building, wall, fence, light pole, utility pole, mail box, or anything with a fixed location on or in the ground

### 4. Prohibited conduct.

(a) No person shall knowingly or intentionally release balloons or cause balloons to be released at any outdoor celebration, promotional activity, sporting or other event or in any public building.

(b) No person shall cause or allow a fixed exterior display of balloons as defined in Section 3.

(c) No balloons shall be used in any public building owned or leased by the Town of Kennebunk, even if the balloons are not released or otherwise allowed to fly in any manner.

This section shall not apply to the following:

(1) Balloons that are used by any governmental or scientific institution for scientific or meteorological purposes.

(2) Hot air balloons that are recovered after launching.

(3) Balloons that are used or released indoors only in a privately owned building that is not leased to the Town of Kennebunk.

5. **Violation.** Any person who engages in conducted prohibited by the provisions of Section 4 of this Ordinance shall be considered to be in violation of the Ordinance and shall be subject to enforcement under Section 6.

6. **Enforcement; penalties.** This Ordinance shall be enforced by the Police Department or the Code Enforcement Officer. Any violation of this Ordinance shall be considered a civil violation and subject to penalties as established in the Town's Fee and Fine Schedule for each release.

7. **Severability.** If any section or provision of this Ordinance is declared by a court to be invalid, that decision shall not affect the validity of any other section or provision of this Ordinance.