

**BOROUGH OF BEACH HAVEN  
COUNTY OF OCEAN**

**ORDINANCE #2017-14C**

**AN ORDINANCE AMENDING Chapter 136, Sections 4 and 5 of the “Code of the Borough of Beach Haven, County of Ocean, State of New Jersey,” providing that the release of balloons into the atmosphere shall be a nuisance, and amending the penalties for all nuisances**

**WHEREAS**, the Mayor and Council is committed to protecting the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of balloons.

**THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:**

**SECTION I**

Section 136-4 shall be amended by the addition of subparagraphs (C)(1) and (C)(2), below:

**Section 136-4(C)(1). Release of Balloons – Purpose and Intent.** This section 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 balloons into the atmosphere, including 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 so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

**Section 136-4(C)(2). Prohibited Releases.** It shall be unlawful for any person, firm or corporation to intentionally release balloons inflated with a gas that is lighter than air within the Borough of Beach Haven limits, except for:

- (a) Balloon released 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; or
- (c) Balloons released indoors.

and,

**Section 136-5, “Violations and Penalties,”** subparagraphs (A) and (B) shall be repealed and replaced in their entirety with the following, **“Section 136-5. Violations and penalties.** Any person found in violation of this Chapter is guilty of a non-criminal infraction punishable by a fine not to exceed \$200.00.”

**SECTION II**

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

**SECTION III**

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

**SECTION IV**

This Ordinance shall take effect upon publication thereof after final passage according to law.

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on June 12, 2017 at 7 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on July 10, 2017 at 7:00 p.m. at the Beach Haven Municipal Building, 420 Pelham Avenue, Beach Haven, New Jersey 08008.

Sherry Mason, RMC, Municipal Clerk

**CERTIFICATION**

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on first reading by the Municipal Council of the Borough of Beach Haven at a public meeting held on the 12<sup>th</sup> day of June, 2017 a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12<sup>th</sup> day of June, 2017.

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Sherry Mason, RMC, Municipal Clerk

***First Reading:***            ***June 12, 2017***  
***Publication:***            ***June 22, 2017***  
***Adoption:***                ***July 10, 2017***  
***Final Publication:***      ***July 20, 2017***  
***Effective:***                 ***August 9, 2017***