



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: May 20, 2025

Prepared by: Cory Simard, Manager, Legal, Licensing & Enforcement

Report Number: Legal and Legislative Services-2025-07

Subject: Balloon Release Ban

Number of Pages: 8 (including attachments)

### Recommendation(s)

**That** Legal and Legislative Services Report 2025-07 entitled, “Balloon Release Ban” prepared by Cory Simard, Manager, Legal, Licensing & Enforcement dated May 20, 2025, be received, and

**That** By-Law 2445 being a By-Law to amend By-Law 455 to prohibit the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind on property within the Town of Essex, be read for a first and second time and provisionally adopted on May 20, 2025.

### Purpose

The purpose of this report is to recommend an amendment to By-Law 455 (the “**By-Law**”) to include a ban on the release of balloons into the air unless such balloons are natural biodegradable balloons with nothing attached, for example strings or ribbons. It is also to provide Council with a summary of research as well as the process for implementation.

## **Background and Discussion**

At its Regular Meeting on April 2, 2024, Council made the following resolution:

**Moved by** Councilor Kim Verbeek

**Seconded by** Councilor Brad Allard

### **R24-04-137**

**That** Council direct Administration to prepare a report which considers whether or not Council should pass a By-Law prohibiting the release of latex and mylar helium balloons into the air in the Town of Essex.

This concern stems from detrimental effects of balloon release on the environment and wildlife. This issue has recently come into the focus of environmental researchers and is well supported by evidence. Ensuring the preservation of the natural environment is of great importance for the Town of Essex.

Considering these concerns, many communities in Canada and the United States have passed by-laws restricting the release of balloons into the environment. These by-laws have informed the recommendations provided herein to the Town of Essex.

### **Current By-Law**

Prior to the amendments proposed in this report, the By-Law can be read to prohibit the release of balloons as such behaviour would constitute the disposal or causing the disposal of garbage or refuse:

That from and after the final passing of this By-Law, no person shall dump, cause to dump, dispose or cause to dispose garbage, refuse or domestic or industrial waste of any kind on property within the municipality.

Notwithstanding the foregoing, the suggested amendments will ensure clarity in enforcement and compliance with the By-Law by specifically referencing a ban on the release of non-biodegradable balloons into the air.

## **Balloon Release By-Laws and Regulations**

Several other municipalities in Ontario have implemented similar By-Laws or regulations to put into practice a restriction or ban similar to the one the Town is proposing. Examples follow:

### City of Hamilton

#### By-Law 01-219

s. 9 No person shall in any park:

(e) release any balloons, except in accordance with Schedule "A".

#### SCHEDULE "A"

1. No person shall, while in a park, release more than nine balloons within any 24- hour period.

### City of Kenora

The following is not a ban but a guideline for helium balloon releases.

1. Use only natural, biodegradable latex balloons. Avoid balloons made from Mylar which is a material that persists much longer in the environment.
2. Balloons should be released with no strings or ribbons attached. Strings and ribbons persist in the environment longer than the balloons themselves. Keep balloons in a mesh bag until the time of release.
3. Release only a small quantity of balloons at any given time.
4. Release away from lakes and other waterways, away from power lines, and overhead trees.
5. Check weather conditions to make sure it is not too windy, so the balloons rise quickly without blowing sideways.

## City of Toronto

### Terms and Conditions for Use of Public Spaces

#### Balloons

Helium and regular balloons are permitted on City of Toronto properties for decorative purposes only. Please advise your Facility Event Coordinator if you will be decorating with balloons. The distribution and/or release of balloons is not permitted.

### Toronto Municipal Code Chapter 608, Parks

#### Article III ss.608-3 Conduct

(E) No person shall release any balloons filled with lighter-than-air gases in a park.

## Municipality of Clarington

### By-Law 2003-101

“Balloon Release” means the release of 10 or more balloons filled with lighter than-air gasses within a 24-hour period.

“Litter” shall include but is not limited to scrap paper, bottles, cans, plastic or other containers, food containers and wrappers, paper and plastic bags, and balloon releases.

## **Implementation in the Town of Essex**

To ensure clarity in enforcement and compliance, administration recommends that By-Law 455 Section 2.1 be deleted and expunged in its entirety and be replaced with the following:

- 2.1 No person shall dump, cause to dump, dispose or cause to dispose garbage, refuse or domestic or industrial waste of any kind on property within the Municipality. For the purposes of this Section 2.1 of this By-Law 455, balloons released into the air shall be considered the disposal of garbage or refuse

unless such balloons are natural biodegradable balloons. Any natural biodegradable balloons released pursuant to this Section 2.1 of this By-Law 455 shall be released with nothing attached, for example strings or ribbons.

## **Explanation**

This amendment is to provide clarity as it pertains to the release of balloons into the air. This amendment would contain a ban of releasing balloons into the air if done on any property within the Town of Essex. This amendment includes an exception to the rule where natural biodegradable balloons are being released into the air. Regardless of whether the balloons are or are not natural biodegradable balloons, nothing is to be attached to the balloons being released.

## **Enforcement**

Enforcement can be accomplished within the current practice of policing the By-Law. The By-Law Department is already tasked with ensuring those within the Municipality are complying with the By-Law regulating the dumping or disposing of garbage and waste. The enforcement of balloon release restrictions would simply be integrated within this pre-established task of the By-Law Department. By-Law Officers would expand their enforcement responsibilities to include responding to calls and patrolling to spot and address unlawful balloon releases. Although, Administration notes that By-Laws such as this one can be challenging to enforce, for example without the enforcement officer actually witnessing an offence or a direct admission there may not be enough evidence to lay charge.

## **Financial Impact**

The restriction of balloon releases is unlikely to create a negative financial impact. As the By-Law Department is already responsible for policing the By-Law, the inclusion of the balloon release restriction will not require any additional resources.

## Consultations

By-Law Department

Director, Development Services

### Link to Strategic Priorities

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ Leverage our Town's competitive advantages to promote jobs and economic investment.
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- ☒ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

## Report Approval Details

Document Title:	Balloon Release Ban - Legal and Legislative Services-2025-07.docx
Attachments:	- By-Law No. 2445 - New Prohibit Dumping By-Law.pdf
Final Approval Date:	May 11, 2025

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'J. Malandrucolo', written in a cursive style.

**Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - May 9, 2025 - 4:40 PM**

A handwritten signature in black ink, appearing to read 'Doug Sweet', written in a cursive style.

**Doug Sweet, Chief Administrative Officer - May 11, 2025 - 8:30 AM**