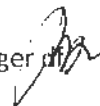


MEMORANDUM

TO: Mayor England
Vice Mayor Samora
Commissioner George
Commissioner Rumrell
Commissioner Torres

FROM: Max Royle, City Manager 

DATE: August 23, 2021

SUBJECT: Helium Balloons: Request to Ban Outdoor Release of Them

On behalf of the Sustainability and Environmental Planning Advisory Committee, Ms. Lana Bandy, Vice Chair, asks that you have an ordinance to ban the outdoor release of helium balloons in the City. For your discussion, she has provided the following information:

- a. Pages 1-2, her August 22, 2021, email, in which she outlines the background for her request.
- b. Pages 3-6, St. Augustine's recently passed ordinance, 2021-14, which bans the intentional release of any helium or light-than-air gas-filled balloons in that city.
- c. Pages 7-11, a July 26, 2021, St. Augustine Record article about that city's helium balloon ordinance, 2021-14.
- d. Page 12, an email from Ms. Nicole Crosby, Chair of the St. Johns Soil and Water Conservation District.
- e. Pages 13-14, the Soil and Water Conservation District's resolution to support the strengthening of regulations concerning the release of helium balloons.
- f. Pages 15-18, Atlantic Beach's ordinance to prohibit the outdoor release of balloons and sky lanterns.
- g. Pages 19-20, Fernandina Beach's ordinance to prohibit the outdoor release of helium-filled balloons.
- h. Pages 21-24, Neptune Beach's ordinance to prohibit the outdoor release of balloons and sky lanterns.
- i. Pages 25-27, which show the Surfrider Foundation First Chapter's support of Neptune Beach's ordinance.

Ms. Bandy will be at your September 13th meeting to present her request and explain the attached information.

ACTION REQUESTED

It is that you discuss Ms. Bandy's request with her and that you then decide whether the City Attorney should prepare an ordinance to ban the outdoor release of helium-filled balloons.

Max Royle

From: Lana Bandy <lcbandym@yahoo.com>
Sent: Sunday, August 22, 2021 5:02 PM
To: Comm England; Comm Samora; Ernesto Torres; Comm Rumrell; Comm George
Cc: Max Royle; Dariana Fitzgerald
Subject: OUTSIDE ATTACHMENT:Potential Agenda Item -- Balloon Ban
Attachments: StA Balloon Ban Draft Ordinance August 2021.pdf

* * * * * This message originated from outside of your organization! DO NOT click any links or open any attachments unless you validate the sender and know the content is safe. Please forward this email to IT@cityofsab.org if you believe the email is suspicious. * * * * *

Dear City Commissioners,

I'm writing on behalf of the Sustainability and Environmental Planning Advisory Committee (SEPAC) regarding a potential new ordinance disallowing the intentional release of balloons within the City limits.

I was contacted by some area residents who heard about the recent bans that other cities in Northeast Florida – including St. Augustine – have enacted. These citizens asked that SEPAC discuss the topic, which we have done. I would now like to bring it to your attention and ask that you consider the ban and add the topic to your September 13 agenda. I would be happy to make a short presentation at the meeting.

What goes up, must come down, and we find a lot of balloons on our beaches and in our rivers, which can cause many environmental issues (animal ingestion, entanglement, etc.). They can also wreak havoc with electrical lines, causing power outages. As you know, the City of St. Augustine Beach does ban balloon releases at events that are held on the beach (according to the event form large groups need to complete), so this new ordinance would be just an extension of that.

The City of St. Augustine adopted a balloon release ban ordinance August 9. Attached is an information packet that includes the ordinance's language as well as some supporting materials. I'm also including some facts about the negative impacts of helium balloons on the environment (below).

Please contact me if you have any questions, and thank you for your consideration. I hope to talk with you about this potential ordinance soon, so please let me know if the topic can be added to your next meeting agenda.

Best,
Lana Bandy
Vice Chair, SEPAC

Helium Balloons Fact sheet with citations in blue

Helium balloons can travel thousands of miles and create a blight in pristine, remote areas.

Latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon. Experts rated balloons the single most deadly debris to sea birds and third most deadly to sea turtles and marine mammals. Balloons are also unintentionally sucked into hay bailers and ingested by livestock.

OceanConservancy.org *How Dangerous is Ocean Plastic?* tinyurl.com/9rwyahfm

ScienceDaily.com *Balloons the number 1 marine debris risk...* tinyurl.com/dkxahpd6

King 5 TV *Balloon pollution dangerous for farm animals...* tinyurl.com/4rnhyd26

Mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4,200 homes and businesses have lost power in three separate incidents of balloons entangling in power lines according to KUA. In one case, a balloon caught fire, creating a small fire where it landed. Many outages have also occurred in the Florida Keys due to mylar balloons.

KUA *Mylar Balloons Spark Power Outage in Kissimmee* tinyurl.com/369f2yps

UPI *Runaway balloon blamed for Florida Power Outage* tinyurl.com/xj3mpynn

WFTV9 *Balloon causes temporary power outage...* tinyurl.com/4twsdmdp

KeysNews.com *Balloons are a hazard* tinyurl.com/cttfsmc2

Florida has more miles of coastline than any other state in the lower 48, and 90% of all nesting sea turtles in the U.S. nest on Florida's beaches; sea turtles ingest balloons, mistaking them for jellyfish. All sea turtles worldwide are threatened or endangered.

Florida and six other states have laws restricting the release of balloons, similar to Florida's law which allows no more than 10 balloons to be released per 24 hours by any person, firm or corporation. (Florida Statute 379.233) Due to the devastating impact of balloons, Virginia legislators passed a bi-partisan law banning the release of any helium balloons. It awaits the Governor's signature.

Florida Statute 379.233 *Release of balloons.* <https://tinyurl.com/ekf9znru>

At least three Northeast Florida coastal communities have expanded their litter ordinances to ban the release of helium balloons. (Atlantic Beach, Neptune Beach, Fernandina Beach.)

Balloon releases are planned for celebratory purposes (graduations, weddings) and as vigils. If a complete ban on balloon releases is passed in Florida, the group dynamic will assist with enforcement. These are not traditional litterers who flout the law.

A ban on balloon releases would have a negligible impact on the balloon and party industry since nearly all balloons are purchased for indoor decoration.

So-called biodegradable balloons take up to four years to biodegrade and, therefore, cause the same injury to animals as non-biodegradable balloons.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 13, 2021

RE: **ORDINANCE 2021-14: RELEASE OF BALLOONS**

Please find enclosed Ordinance 2021-14 that disallows the intentional release of any helium or lighter-than-air gas filled balloons into the air within the city limits of the City of St. Augustine. Violations of this ordinance would be punishable as civil infractions.

Please place Ordinance 2021-14 on the regular City Commission agenda for second reading on August 9, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Disallowing the intentional release of balloons within the city limits

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE I, CHAPTER 22, SECTION 22-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR DISALLOWANCE OF THE INTENTIONAL RELEASE OF HELIUM FILLED BALLOONS WITHIN THE CITY LIMITS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the release of helium, foil, mylar or "biodegradable" balloons into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate; and

WHEREAS, these balloons inevitably return to our land and to our waterways as litter, they can travel thousands of miles, and create a blight in pristine, remote areas; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes, and the oceans, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, even biodegradable balloons can take up to four years to decompose and therefore cause the same injury to animals as non-biodegradable balloons; and

WHEREAS, latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon; and

WHEREAS, experts rate balloons the single most deadly debris to sea birds and third most deadly to sea turtles and marine mammals; and

WHEREAS, Florida has more miles of coastline than any other state in the lower forty-eight and 90% of all nesting sea turtles in the U.S. nest on Florida's beaches; and

WHEREAS, sea turtles ingest balloons, mistaking them for jellyfish thereby threatening and endangering all sea turtles worldwide; and

WHEREAS, mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4200 homes and businesses have lost power in three separate

incidents of balloons entangling in power lines according to the Kissimmee Utility Authority. Many outages have also occurred in the Florida Keys due to mylar balloons; and

WHEREAS, the Florida Legislature in Florida Statutes section 379.233 found that the release of balloons poses a danger and nuisance to the environment, particularly to wildlife and marine animals; and

WHEREAS, a ban on balloon releases would have a negligible impact on the balloon and party industry, since nearly all balloons are purchased for indoor decoration; and

WHEREAS, the City Commission of the City of St. Augustine believes balloon releases should be prohibited to protect the air, land, and waters of the City; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 22, Article I, Section 22-2. Chapter 22, Article I, Sections 22-2 is hereby amended, as follows:

Sec. 22-2. - Littering.

(a) It shall be unlawful for any person to throw, place, deposit or allow to fall or drain into or on any street, lane or alley, or the sidewalks of any street or lane, or the public places of the city, the peel, rind or covering of any fruit, vegetable or melon, or any garbage, trash, offal, wastepaper, dodger, printed circular, litter sweepings, crustacea or mollusks, including drainage therefrom, or waste of any kind, or to leave thereon or therein an unreasonable time any sink, barrel, box or receptacle for garbage, slop water or waste of any kind, liquid or solid.

(b) It shall be unlawful for any person, group, or corporation to intentionally release any helium or lighter-than-air gas filled balloons into the air within the city limits except for:

1) Balloons released by a person on behalf of an educational institution, governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.

(c) Offenses under this section shall be punishable as a civil infraction with a penalty of no more than one hundred dollars (\$100.00) per violation.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ENVIRONMENT

St. Augustine seeks balloon ban in proposed ordinance to help wildlife, environment

City seeks to join ranks of local governments fighting pollution of waterways

Sheldon Gardner St. Augustine Record

Published 9:18 p.m. ET Jul. 25, 2021

Spend an afternoon on one of St. Johns County's picturesque waterways and chances are you'll encounter a balloon or two, a troubling statistic for local environmental activists.

Adam Morley sees them frequently as a captain of the Litter Gitter, a boat he uses to haul garbage away from local rivers and inlets with the help of people on his tours.

"We pick up a ton of balloons on our Litter Gitter trips," he said.

Places to see: Nearly 60-acre Fish Island Preserve is open for visitors in St. Augustine

Environment: St. Augustine joins National Wildlife Federation pledge to boost monarch butterfly numbers

Birding: Thousands of birds spotted in St. Augustine in annual count

People release balloons during celebrations and other occasions. People also use balloons locally to help with fishing, which Morley described as intentional littering.

But what some might not realize is that creatures get caught in the string or eat the balloons or balloon fragments, which can injure or kill them. Balloons contribute to the hefty amount of garbage on beaches and in the ocean or rivers.

In response to the issue, the city of St. Augustine is looking to join other local governments in banning the release of balloons.

St. Augustine Commissioner Barbara Blonder proposed the ordinance, which passed on first reading — one more reading is required to enact the ordinance.

"Less litter and less harm to wildlife is something that I think the vast majority of people can get on board with," Blonder said.

State law and the city's proposal

State law prohibits releasing 10 or more balloons filled with lighter-than-air gas within a 24-hour period, with a few exceptions, such as a government agency pursuing scientific research, people releasing balloons indoors or releasing "biodegradable" or "photodegradable" balloons.

Violations of the law are a noncriminal offense punishable by a fine of \$250.

Blonder called the state law "a pretty minimal restriction."

"if each person at a party releases 10 ... then you've got hundreds of balloons easily," she said.

The city's proposed ordinance takes it further, banning the release of any balloons.

The proposed ordinance says, "It shall be unlawful for any person, group or corporation to intentionally release any helium or lighter-than-air gas-filled balloons into the air within the city limits."

Violators face a fine of up to \$100 per violation.

The introduction to the city's proposed ordinance says that even balloons marketed as biodegradable harm wildlife. And aside from the damage to wildlife, "Mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4,200 homes and business have lost power in three separate incidents of balloons entangling in power lines, according to the Kissimmee Utility Authority."

Among those supporting the proposed ordinance is Ponte Vedra Beach resident Nicole Crosby.

Crosby has also been collecting signatures for a petition to submit to the St. Johns County Commission to prohibit the release of helium balloons outdoors.

"With its 40 miles of coastline, St. Johns County's proximity to the Atlantic Ocean makes it all the more urgent that we take this step to protect marine life," the petition states. "Even releasing between one and 10 balloons (allowed by state law) can be fatal for wildlife that becomes entangled in the strings or ingests the latex or Mylar balloons."

Crosby said she has collected about 500 signatures so far. View the petition at tinyurl.com/eh78vven.

Atlantic Beach, Neptune Beach and Fernandina Beach have similar rules to St. Augustine's proposal. St. Augustine Beach does not. Other states with bans or restrictions on balloon launches include California, Connecticut, Tennessee and Virginia, according to the Associated Press.

How plastic affects turtles

The Sea Turtle Hospital at University of Florida Whitney Laboratory sees firsthand the effects of pollution, including balloons, in the ocean and local waterways.

The hospital, located along the coastline near the border of St. Johns and Flagler counties, rehabilitates injured or sick sea turtles, conducts research and provides education for sea turtle conservation.

When turtles don't survive, the hospital performs a necropsy, said Catherine Eastman, sea turtle program manager.

The hospital published a scientific paper on "post-hatchlings" that made it to the ocean, but eventually washed back ashore.

Hospital staff examined the stomach contents of 42 post-hatchling loggerhead turtles that died during the August-November nesting seasons in 2016 and 2017. Plastics were found inside of 39 of those post-hatchlings, according to the report. Balloon pieces were among the items in their stomachs, though hard plastics were the most common type of plastic found.

The cause of death for the turtles was undetermined, according to the report, but ingesting the plastics could have contributed to their demise or at least made it more difficult for them to thrive.

"Man-made plastic products are continuing to enter the marine environment at unprecedented scales and are dramatically impacting coastal marine life," the report stated. "We have confirmed that vulnerable early life-stage loggerhead post-hatchlings ingest plastic debris in potentially harmful quantities, including fragment sizes that are not easily passed through their GI tract."

Help protect sea life

Many types of garbage are damaging waterways and oceans.

The International Coastal Cleanup brings people and organizations across the globe together for the annual event.

The nonprofit Ocean Conservancy leads the effort. In 2019 in Florida, 39,789 people pulled 250,308 pounds of trash from beaches and waterways as part of the effort, according to the organization's 2020 report. They collected 188,300 cigarette butts; 60,828 food wrappers; 110,241 plastic bottle caps; 38,273 plastic beverage bottles; and 41,360 straws or stirrers.

In the Matanzas River, Morley and his crews have found Styrofoam fragments; convenience store cups; aluminum cans; plastic bottles and bags; and other plastic fragments, he told The Record in 2019.

On a trip in June of that year in the south Matanzas River, volunteers collected more than 100 pounds of trash, including six plastic bags; 10 Styrofoam cups and a to-go box; 22 aluminum beer and soda cans; 12 ropes; a crab trap; six shoes; and two toothbrushes.

'Balloons Blow'

Mary Vosburgh, of Jensen Beach, and her family have been cleaning up Hutchinson Island beaches for more than 20 years.

Back when they first started, they rarely found a balloon on beach cleanups, she said. But they started to see a lot more, so they started the nonprofit Balloons Blow, which focuses on educating "people about the destructive effects released balloons have on animals, people and the environment, and strives to inspire and promote an eco-conscious lifestyle."

Vosburgh said, "Releasing balloons is littering. It should be included in the already existing littering laws."

According to Balloons Blow, even balloons "falsely marketed as 'biodegradable latex,' return to Earth as ugly litter. They kill countless animals and cause dangerous power outages."

Instead of releasing balloons, the organization encourages people to seek alternatives.

"There are many alternatives that will not pollute the Earth or harm animals," according to the organization. "We can opt for reusable banners, flags, ribbon dancers, pinwheels. For

memorials and fundraisers, we can plant trees, gardens or build birdhouses — actions that promote life. Perhaps organize a clean-up in a loved one's honor or blow bubbles."

Spreading the word

If adopted in St. Augustine, it's not clear yet how many people might actually get a ticket for releasing a balloon. But Blonder said she sees the proposed ordinance as a way to educate people about the issue instead of punishing them, even though the ordinance allows for a fine.

Many people in the city are nature lovers, she said. Some community members helped save Fish Island, a nearly 60-acre preserve next to the State Road 312 bridge.

"We just have such a special environment, and having the opportunity to do what we can to protect it while allowing people to enjoy it I think is something we all want to emphasize," Blonder said.

Shanna Lee

From: Nicole Crosby <nicole.sjswcd@gmail.com>
Sent: Tuesday, June 29, 2021 4:11 PM
To: Isabelle Lopez; Shanna Lee
Subject: Helium balloon resolution
Attachments: Balloon Resolution Revise PDF.pdf; Balloon Resolution Revise.docx

Ms. Lopez,
I received your request to Gina Allen for our Helium Balloon Resolution.

I'm attaching the PDF as well as the word doc in case you want to copy and paste any of it - you're welcome to do so. I would be very interested in seeing your proposed ordinance if you can send me a draft (I would not circulate it, but would be interested in knowing what you're proposing.)

You will find online the new litter ordinances for Fernandina Beach, Atlantic Beach and Neptune beach - all of which have banned intentional helium balloon releases. If you have any problem finding them online, let me know. I've tracked them down before.

I believe one of them does not ban what is known as biodegradable balloons. I would strongly encourage you to include them in the ordinance since they take at least one year to biodegrade. I can find the citation for that if you need it. Obviously they would harm animals and create a blight before they break down. I believe the state allows biodegradable balloons with no string. But that requires education and enforcement, and few will know about it.

One criticism I've seen is that the state law is not enforced. However, I believe that's because the state law only impacts corporations and large event planners, and the intent is to stop balloons from being released by the hundreds at games and the like. It does not seek to stop residents from releasing balloons. So the corporations and schools know the law and therefore don't require enforcement. However, the residents are free to go out and release ten balloons apiece. They could each release a balloon at a vigil or a graduation and not violate the law. This is why the law needs to be strengthened.

In my opinion, the signs and news reports announcing a balloon release ban would go a long way towards stopping balloon releases. Enforcement may not be necessary. Even if a large crowd is gathered at the beach with balloons in hand, a citizen could inform them that it's now illegal. If the crowd plans the release anyway, the police could be called to the scene. I don't think it would come to that. 85% of the people who plan balloon releases are women. This is not a cigarette butt-flinging demographic. I believe there would be respect for a clear, non-ambiguous ordinance banning all balloons. The ten balloons per person per day is so weak, it doesn't send the message that balloons are litter and dangerous.

One more thing...Virginia conducted a 5-year study before they strengthened their balloon ban to make balloons illegal. You might want to take a look at that study: <http://www.longwood.edu/cleanva/images/Balloon%20Litter%20on%20VAs%20Remote%20Beaches%208-2018%20Report%20for%20web.pdf>

Thanks for your interest in our resolution. I'd be interested in your feedback.

Best regards,

Nicole Crosby
Chair, St. Johns Soil and Water Conservation District
All emails to and from this email address are public information.

**St. Johns Soil & Water Conservation District
Proposed Resolution for SWCD's Restriction on Helium Balloon Releases**

WHEREAS the purpose of SWCD's, according to state statute, includes protection of water, land and wildlife.

WHEREAS released helium balloons, including those marketed as biodegradable, return to our land and to our waterways as litter. They can travel thousands of miles and create a blight in pristine, remote areas.

WHEREAS latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon. Experts rated balloons the single most deadly debris to sea birds and third most deadly to sea turtles and marine mammals. Balloons are also unintentionally sucked into hay bailers and ingested by livestock.*

WHEREAS mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4200 homes and businesses have lost power in three separate incidents of balloons entangling in power lines according to KUA. In one case, a balloon caught fire, creating a small fire where it landed. Many outages have also occurred in the Florida Keys due to mylar balloons.**

WHEREAS Florida has more miles of coastline than any other state in the lower 48, and 90% of all nesting sea turtles in the U.S. nest on Florida's beaches; sea turtles ingest balloons, mistaking them for jellyfish. All sea turtles worldwide are threatened or endangered.

WHEREAS Florida and six other states have laws restricting the release of balloons, similar to Florida's law which allows no more than ten balloons to be released per 24 hours by any person, firm or corporation.*** Due to the devastating impact of balloons, Virginia legislators passed a bi-partisan law banning the release of any helium balloons. It awaits the Governor's signature.

WHEREAS at least three Florida coastal communities in Area 3 have expanded their litter ordinances to ban the release of helium balloons. (Atlantic Beach, Neptune Beach, Fernandina Beach.)

WHEREAS balloon releases are planned for celebratory purposes (graduations, weddings) and as vigils. If a complete ban on balloon releases is passed in Florida, the group dynamic will assist with enforcement. These are not traditional litterers who flout the law.

WHEREAS a ban on balloon releases would have a negligible impact on the balloon and party industry since nearly all balloons are purchased for indoor decoration.

WHEREAS so-called biodegradable balloons take at least one year to biodegrade and therefore cause the same injury to animals as non-biodegradable balloons.

NOW, THEREFORE, BE IT RESOLVED that the Association of Florida Conservation Districts (Area 3) SWCDs advocate for strengthening Florida's existing balloon release law. Due to its environmentally sensitive lands, waterways and great diversity of wildlife, Florida should lead the way with a more stringent law on balloon releases – matching Virginia's law, but additionally banning so-called "biodegradable" balloons. (Weather and science balloons are exceptions.)

*<https://oceanconservancy.org/blog/2016/01/12/how-dangerous-is-ocean-plastic/>

<https://www.sciencedaily.com/releases/2019/03/190301084847.htm>

<https://www.king5.com/article/tech/science/environment/balloon-pollution-threatening-livestock-and-wildlife-in-carnation/281-588896532>

**Kissimmee Utility Authority <https://kua.com/news/mylar-balloons-spark-power-outage-in-kissimmee/>

https://www.upi.com/Odd_News/2016/01/06/Runaway-balloon-blamed-for-Florida-power-outage/2891452092456/

<https://www.wftv.com/news/local/balloon-causes-temporary-power-outage-in-kissimmee/486265076/>

https://www.keysnews.com/community/balloons-are-a-hazard/article_0b27806e-b8ac-11eb-8894-cb8c06e3c159.html

*** Florida Statute 379.233 <https://www.flsenate.gov/Laws/Statutes/2014/379.233>

ORDINANCE NO. 95-20-118

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, BEACHES AND PARKS, BY AMENDING SECTION 5-4, LITTERING, ADOPTING NEW SECTION TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Atlantic Beach, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the City Commission believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes and the ocean, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, animals, such as sea turtles and other wildlife, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death; and

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and

WHEREAS, the City Commission of the City of Atlantic Beach believes balloon and lantern releases should be prohibited in entirety to protect the air, land, and waters of the City; and

WHEREAS, the City Commission wishes to prohibit the release of balloons and sky lanterns; and

WHEREAS, the City Commission of the City of Atlantic Beach finds that these revisions to the City of Atlantic Beach's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA that:

SECTION 1. Chapter 5-4, of the Code of Ordinances of the City of Atlantic Beach, Florida is hereby amended as follows:

Shanna Lee

From: Denise May <dmay@citystaug.com>
Sent: Thursday, July 22, 2021 1:51 PM
To: Shanna Lee
Subject: FW: Helium balloon resolution
Attachments: Atlantic Beach.pdf; Fernandina Beach.pdf; Neptune Beach.pdf

From: Nicole Crosby <nicole.sjswcd@gmail.com>
Sent: Tuesday, June 29, 2021 5:37 PM
To: Isabelle Lopez <i.lopez@citystaug.com>
Cc: Shanna Lee <s.lee@citystaug.com>
Subject: Re: Helium balloon resolution

Ms. Lopez,

I'm so pleased to learn that you plan to include "biodegradable" balloons in your balloon release ban ordinance.

Biodegradable balloons take anywhere from six months to four years to decompose according to ENC (Environmental Nature Center):

<https://encenter.org/visit-us/programs/birthday-parties/balloons/>

Here's one experiment on biodegradable balloons:

<https://theconversation.com/we-composted-biodegradable-balloons-heres-what-we-found-after-16-weeks-138731>

Here's another - which shows it still exists at 7 years:

<https://balloonsblow.org/biodegradability-backyard-test/>

The Pro Environment Balloon Alliance calls for an end to balloon releases. A co-founder for PEBA states in the documentary "Rubber Jellyfish" that there is no definitive proof that balloons are biodegradable. I plan to watch documentary on my computer: <https://rubberjellyfishmovie.com/>

I hope these links are helpful! (I'm rewording my resolution to say it takes "up to four years" to biodegrade. There was no citation on the article that said "one year."

Nicole

Nicole Crosby
Chair, St. Johns Soil and Water Conservation District
All emails to and from this email address are public information.

Sec. 5-4. - Littering.

(a) It shall be unlawful for any person to leave any paper, glass, cans, food, fish, crab, cigarette butts, or other type of refuse upon the beach in the city.

(b) It shall be unlawful and shall constitute a nuisance as defined in Chapter 12 of the City's Code of Ordinances for any person to intentionally release, organize the release of, or intentionally cause to be released anywhere within the City, including without limitations the beach and public parks, one or more sky lanterns or balloons inflated with a gas that is lighter than air which includes but is not limited to, helium, with the exception of:

1. Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; or
2. Balloons released indoors.

(c) The following terms and phrases shall have the meanings given herein for purposes of this Chapter 5. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Balloon means a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water and then sealed at the neck, usually used as a toy or decoration.

Sky lantern means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

(d) Enforcement and Penalties

(i) Notwithstanding any other provisions of the City's Code of Ordinances, the director of public safety shall have exclusive control of enforcement of this section 5-4, and shall issue written citations to persons who violate the provisions of the section.

(ii) Violations of this section shall be punishable by fines as follows:

a. Two hundred and fifty dollars (\$250.00) per balloon or sky lantern, up to a maximum of one thousand (\$1,000.00) for violations of Section 5-4 (b).

b. One hundred dollars (\$100.00) for each piece for each piece of refuse left in violation of Section 5-4 (a), up to a maximum of one thousand dollars (\$1,000.00)

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.


SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this 24th day of Feb, 2020.

PASSED by the City Commission on second and final reading this 9th day of March, 2020.

CITY OF ATLANTIC BEACH


Ellen Glasser, Mayor

Attest:



Donna L. Bartle, City Clerk

Approved as to form and correctness:



Brenna M. Durden, City Attorney

ORDINANCE 2019-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE III, LITTER, BY CREATING SECTION 42-96 BY PROVIDING FOR PROHIBITION AGAINST BALLOON RELEASES WITH BALLOONS INFLATED WITH A GAS LIGHTER THAN AIR SUCH AS HELIUM; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the release of helium, foil, mylar or "biodegradable" balloons (which have a lifespan of 5-7 years) into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate;

WHEREAS, these balloons, many of which land in rivers, streams, marshes and the oceans, represent one of the most common and destructive forms of floating garbage;

WHEREAS, both research and local first-hand observation shows that marine life and animals ingest these balloons because they mistake them for jellyfish or other edible resources;

WHEREAS, the U.S. Fish and Wildlife Service regularly issues media notices, warning of the devastating impacts of balloons on wildlife;

WHEREAS, the animals and marine life are not able to process the balloons and choke (or the balloon forms an intestinal obstruction) and the creature is sentenced to a painful death; and

WHEREAS, the City Commission believes that balloon releases should be prohibited in order to protect the air, land, and waters of the City, Nassau County, the State of Florida and other natural resources against environmental contamination and degradation and to protect the health and life of animals, birds, and fish.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AS FOLLOWS:

SECTION 1. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida, Chapter 42, Article III, Litter, is hereby amended by adding a section to be numbered Section 42-96, which section reads as follows:

Sec. 42-96. Balloon Release.

- (a) It is unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more balloons inflated with a gas

that is lighter than air which includes but is not limited to, helium, with the exception of:

- (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; or
 - (2) Balloons released indoors.
- (b) Any person who violates or fails to comply with the provisions of this section will be fined \$100.00 by citation as provided in Section 1-12 of this Code of Ordinances.

SECTION 2. All Ordinances or parts of Ordinances and all Resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY In the event any word, phrase, clause, sentence or paragraph hereof is held invalid by any court of competent jurisdiction, such holding will not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 4. EFFECTIVE DATE This Ordinance will take effect immediately upon its final enactment.

ENACTED this 24th day of September, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

SPONSORED BY:

MAYOR BROWN



ORDINANCE NO. 2020-15

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, GARBAGE, TRASH, AND INDUSTRIAL WASTE, BY AMENDING SECTION 11-2, COMPLIANCE CONSTRUED; POLLUTION OF AIR, ADOPTING NEW SUBSECTION TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the City Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes and the ocean, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, animals, such as sea turtles and other wildlife, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation or death; and

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and

WHEREAS, the City Council of the City of Neptune Beach believes balloon and lantern releases should be prohibited in entirety to protect the air, land, and waters of the City; and

WHEREAS, the City Council wishes to prohibit the release of balloons and sky lanterns; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

Ord. No. 2020-15

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Chapter 11-2, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 11-2. - Compliance construed; pollution of air.

- (a) It shall be unlawful for any person, housekeeper, storekeeper or the owner or occupant of any premises within the city limits, or their agents, servants or employees, to keep or offer for collection, garbage, refuse or industrial waste in any manner other than as provided in this chapter, or as provided in such rules and regulations as the city manager may prescribe under this chapter.
- (b) It shall be unlawful to keep or offer for collection any garbage, refuse or industrial waste in such manner as to render the air or soil impure or unwholesome, or in any such manner as to cause the premises or any premises adjacent thereto, to become littered or unsightly or dirty or unwholesome, or in any manner to violate the provisions of this chapter. It shall be unlawful for any person to leave any paper, glass, cans, food, fish, crab, cigarette butts, or other type of refuse upon the beach in the city.
- (c) It shall be unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more sky lanterns or balloons inflated with a gas that is lighter than air which includes but it not limited to, helium, with the exception of:
 - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
 - (2) Balloons released indoors.
- (d) The following terms and phrases shall have the meanings given herein for purposes of this chapter 5. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Balloon means a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water and then sealed at the neck, usually used as a toy or decoration.

Sky lantern means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in

the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7th day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on Second and Final Reading this 19th day of January, 2021.

ATTEST:

Elaine Brown, Mayor

Catherine Ponson, City Clerk

Approved as to form and content:

Ord. No. 2020-15

Zachary Roth, City Attorney

Ord. No. 2020-15



The Surfrider Foundation First Chapter is asking that the City of Neptune Beach Commission bans all intentional balloon releases, including balloons marketed as "biodegradable."

The release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

Surfrider First Coast Chapter is asking for the ban of all intentional balloon releases because this is the same as littering, and there are other alternatives to releasing balloons. Such as planting trees, blowing bubbles and even hosting beach cleanups in memorium of a loved one.



Plastic Pollution

LEARN MORE



Stay Informed

Email address



ABOUT US

Mission

Model

Team

Board

Justice, Equity, Diversity & Inclusion

History

Ambassadors

Media