


MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 22, 2021

SUBJECT: Proposed Ordinance, to Amend the City's General Code to Prohibit the Release of Helium or Lighter-Than-Air Balloons

At your September 13, 2021, meeting, Ms. Lana Bandy, Vice Chair of the Sustainability and Environmental Planning Advisory Committee, and Ms. Crosby, a Ponte Vedra resident, presented their proposal that the release of helium-filled balloons be banned in the City. Mayor England asked the City Attorney to review St. Augustine's ordinance that bans the release of such balloons and to work on an ordinance for our City.

That ordinance is attached. Mr. Taylor can explain it and answer your questions.

If you agree with the ordinance, then you can pass it on first reading. It would be Ordinance 21-13.

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING ARTICLE 1, SECTION 5-9 TO INCLUDE THE RELEASE OF BALLOONS AS LITTERING FOR THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

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 4,200 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 Beach 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 Beach 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 PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. Amend Article 1 – Section 5-9 as follows:

Sec. 5-9. - Trash and litter.

a) It is unlawful for any person to deposit, discard, throw, place or pile any trash, litter of any type, paper, garbage, cans, cartons, bottles, cigarette butts, filters, products containing tobacco or used for consuming tobacco products or other waste or discard materials on the city beach or any public street, right-of-way or other public places in the city, except in public receptacles, in authorized private receptacles for collection, or in the official city trash disposal site.

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:

a) 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.

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b)c) The chief of police is authorized to print or cause to be printed "litter citations" which shall contain blank spaces and have the following information:

1. Name of person alleged to have violated this section;
2. Description of the alleged violation;
3. Date, time and place of the alleged violation;
4. Witnesses, if any;
5. Name of officer charging the violation;
6. The date, time and location of the scheduled judicial hearing on the offense charged.

The litter citation will also contain a space where the alleged violator of this section may sign to indicate that he received a copy of the citation.

The litter citation will also indicate the penalty established herein for violation of this section.

~~e)d)~~ ____ A person shall be charged with violation of this section by citation.

~~d)c)~~ ____ A person cited for a violation of this section shall:

1. Post a bond which shall be equal to one-half ($\frac{1}{2}$) of the maximum penalty described in subsection (e); or
2. Sign and accept a citation indicating his receipt of a copy of the citation.

~~e)f)~~ Any person found guilty of violating this section shall be guilty of an offense punishable by a fine not to exceed the amount of fifty dollars (\$50.00).

~~f)g)~~ Any person who willfully refuses to post a bond or accept and sign a citation shall be guilty of an offense punishable by confinement not exceeding ten (10) days in the county jail or a fine not to exceed two hundred dollars (\$200.00) or both such fine and imprisonment.

~~g)h)~~ ____ Any person charged with violation of this section may:

1. Pay one-half ($\frac{1}{2}$) of the maximum penalty set forth in subsection (c), either by mail or in person, within ten (10) days of the date of receiving the citation; or
2. If he has posited bond, forfeit the bond by not appearing at the scheduled judicial hearing; or
3. Appeal at a scheduled judicial hearing to contest the charge.

~~h)i)~~ If the person cited follows either paragraphs (1) or (2) above, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of violation of this section and the amount paid or forfeited shall be deemed payment of the fine in full.

(Ord. No. 156, § 9, 5-23-86; Ord. No. 19-11, § 1, 8-5-19; Ord. No. 2021-____, § 2)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2021.

MAYOR

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