

1 Introduced by Council Member Diamond:  
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4 **ORDINANCE 2022-573**

5 AN ORDINANCE AMENDING SECTION 380.210  
6 (JACKSONVILLE LITTER LAW), PART 2 (GARBAGE  
7 COLLECTION REGULATIONS), CHAPTER 380 (SOLID  
8 WASTE MANAGEMENT), *ORDINANCE CODE*, TO PROHIBIT  
9 THE RELEASE OF BALLOONS OR SKY LANTERNS INTO THE  
10 SKY; PROVIDING FOR EXERCISE OF COUNTY POWERS;  
11 PROVIDING AN EFFECTIVE DATE.  
12

13 **WHEREAS**, the release of helium, foil, mylar, "biodegradable,"  
14 or "photodegradable" balloons and sky lanterns into the atmosphere  
15 has a deleterious effect on the environment when the balloons  
16 inevitably deflate or the sky lanterns land; and

17 **WHEREAS**, the Council has determined that balloons and sky  
18 lanterns released into the atmosphere return to the land and waterways  
19 as litter, can travel thousands of miles, and may create a blight in  
20 pristine, remote areas; and

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

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

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

31 **WHEREAS**, even "biodegradable" or "photodegradable" balloons do

1 not degrade quickly enough to avoid ingestion of the same by wildlife,  
2 with "biodegradable" balloons taking up to four years to decompose;  
3 and

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

7 **WHEREAS**, experts rate balloons as the single most deadly marine  
8 debris to sea birds and third most deadly to sea turtles and marine  
9 mammals; and

10 **WHEREAS**, the U.S. Fish and Wildlife Service regularly issues  
11 media notices warning of the devastating impact of balloons on  
12 wildlife; and

13 **WHEREAS**, Florida has more miles of coastline than any other  
14 state in the lower forty-eight, and 90% of all nesting turtles in the  
15 U.S. nest on Florida's beach, with the beaches of the County being  
16 recognized as important habitat for sea turtles; and

17 **WHEREAS**, sea turtles ingest balloons, mistaking them for  
18 jellyfish, which represents a serious threat to an animal classified  
19 as endangered or threatened with extinction; and

20 **WHEREAS**, balloon releases also pose a danger to livestock, as  
21 deflated balloons may be ingested by livestock or may unintentionally  
22 be baled by hay balers and subsequently ingested by livestock; and

23 **WHEREAS**, of all children's products, deflated and uninflated  
24 balloons are a leading cause of suffocation death, according to the  
25 U.S. Consumer Product Safety Commission; and

26 **WHEREAS**, since 1995, federal law has required all latex balloons  
27 packaging to include a warning that uninflated or broken balloons  
28 present a choking hazard to, and should be kept from, children younger  
29 than eight years of age, see 15 U.S.C. § 1278(b)(2)(A); 16 C.F.R. §  
30 1500.20(d)(2); and

31 **WHEREAS**, mylar balloons can cause power outages when caught on

1 power lines, including, for example, three separate incidents in  
2 Kissimmee, Florida, where a total of 4,200 homes and businesses lost  
3 power as a result of balloons entangling in power lines, according  
4 to Kissimmee Utility Authority; and

5 **WHEREAS**, many power outages have also occurred in the Florida  
6 Keys due to mylar balloons; and

7 **WHEREAS**, the Florida Legislature, in Section 379.233(1), *Florida*  
8 *Statutes*, has found that the release of balloons poses a danger and  
9 nuisance to the environment, particularly wildlife and marine  
10 animals; and

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

14 **WHEREAS**, in 2018, The Balloon Council, an organization of  
15 balloon retailers, distributors, and manufacturers, publicly revised  
16 its stance on balloon releases to actively advocate against the  
17 release of balloons and established an educational initiative  
18 stressing the importance of never releasing balloons to "protect our  
19 planet"; and

20 **WHEREAS**, sky lanterns present an additional danger to public  
21 health, safety, and welfare due to their unpredictable flight path,  
22 which can cause them to travel several miles before landing with the  
23 potential of starting a fire, if they land on combustible materials  
24 while their fuel source is still active; and

25 **WHEREAS**, the release of sky lanterns has led to many reported  
26 incidents of personal injury and property damage, as well as wildfires  
27 that burned hundreds of acres and required a substantial amount of  
28 fire personnel and resources to extinguish; and

29 **WHEREAS**, the National Association of State Fire Marshals has  
30 advocated for a nationwide ban on the release of sky lanterns; and

31 **WHEREAS**, at least thirty states, including Florida, ban the

1 release of sky lanterns; and

2       **WHEREAS**, Section 791.01, *Florida Statutes*, classifies sky  
3 lanterns as "fireworks," the sale or use of which are generally  
4 prohibited by law; and

5       **WHEREAS**, the National Fire Protection Association ("NFPA") has  
6 found sky lanterns to constitute a "serious fire safety hazard" that  
7 should not be used under any circumstances and has prohibited such  
8 use under NFPA 1 Chapter 10.10.9 .3, which has been adopted by the  
9 Florida State Fire Marshal as the Florida Fire Prevention Code  
10 pursuant to Section 633.202, *Florida Statutes*, and Rule 69A-60.003,  
11 F.A.C; and

12       **WHEREAS**, the Council believes that balloon and sky lantern  
13 releases should be prohibited in entirety to protect the people and  
14 property of the County, as well as its air, land, and waters; and

15       **WHEREAS**, the Council wishes to prohibit the release of balloons  
16 and sky lanterns except as limited herein; and

17       **WHEREAS**, the Council finds that this ordinance will preserve,  
18 promote, and protect the health, safety, and welfare of its citizens;  
19 now therefore

20       **BE IT ORDAINED** by the Council of the City of Jacksonville:

21       **Section 1. Amending Section 380.210 (Jacksonville Litter**  
22 **Law), Part 2 (Garbage Collection Regulations), Chapter 380 (Solid**  
23 **Waste Management), Ordinance Code.** Section 380.210 (Jacksonville  
24 Litter Law), Part 2 (Garbage Collection Regulations), Chapter 380  
25 (Solid Waste Management), *Ordinance Code*, is hereby amended to read  
26 as follows:

27                                   **CHAPTER 380**

28                                   **SOLID WASTE MANAGEMENT**

29                                   \* \* \*

30                                   **PART 2. GARBAGE COLLECTION REGULATIONS**

31                                   \* \* \*



