

1 Introduced by Council Member Diamond and amended by the
2 Neighborhoods, Community Services, Public Health and Safety
3 Committee:

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6 **ORDINANCE 2022-573-E**

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

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

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

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

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

30 **WHEREAS**, animals, such as sea turtles and other wildlife,
31 mistake the remains from balloons as food which may potentially

1 damage their digestive systems, lead to starvation, or death; and

2 **WHEREAS**, even "biodegradable" or "photodegradable" balloons do
3 not degrade quickly enough to avoid ingestion of the same by
4 wildlife, with "biodegradable" balloons taking up to four years to
5 decompose; and

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

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

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

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

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

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

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

29 **WHEREAS**, since 1995, federal law has required all latex
30 balloons packaging to include a warning that uninflated or broken
31 balloons present a choking hazard to, and should be kept from,

1 children younger than eight years of age, see 15 U.S.C. §
2 1278(b)(2)(A); 16 C.F.R. § 1500.20(d)(2); and

3 **WHEREAS**, mylar balloons can cause power outages when caught on
4 power lines, including, for example, three separate incidents in
5 Kissimmee, Florida, where a total of 4,200 homes and businesses
6 lost power as a result of balloons entangling in power lines,
7 according to Kissimmee Utility Authority; and

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

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

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

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

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

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

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PART 2. GARBAGE COLLECTION REGULATIONS

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Sec. 380.210 - Jacksonville Litter Law.

(a) Definitions. As used in this Section:

* * *

(6) 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.

(7) 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.

* * *

(c) Balloon or Sky lantern release prohibited. 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 gas that is lighter than air which includes but it not limited to, helium, with the exception of:

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

(2) Balloons released indoors.

(3) Balloon tests performed pursuant to Section 656.1507, Ordinance Code.

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Section 2. Exercise of County Powers. This ordinance is enacted by the Council exercising its power as the governing body of Duval County, Florida, under Section 3.01, of the Charter of the City of Jacksonville.

Section 3. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

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