

Memorandum

From the Town of Juno Beach Planning & Zoning Department

To: Joseph Lo Bello, Town Manager
From: Ruben Cruz, Director of Planning & Zoning
Date: October 19, 2016
Subject: Ordinance No. 693 – Banning the Release of Floating Balloons and Sky Lanterns and Prohibiting Balloons in Town Parks (Second Reading)
Resolution 2016-08 – Enforcement of Balloon and Sky Lantern Ban by Code Citation

Background

In response to a request from the Loggerhead Marinelife Center (“LMC”) (see attachment #1), staff is presenting Ordinance No. 693 to the Town Council to help support the LMC’s efforts to promote the safety and protection of marine life and “to form a partnership to prohibit the use of balloons in designated locations along the coast.” LMC has provided Staff with informational materials that explain why prohibiting balloons will help sea turtles and other marine life (see attachment #2). The proposed ordinance has been modified from the sample ordinance provided by LMC and ordinances adopted by other municipalities.

Discussion

The Town of Juno Beach is home to one of the densest sea turtle nesting beaches in the country and the proposed ordinance constitutes the strictest form of regulation of balloons, floating balloons and sky lanterns.

The proposed ordinance adopts a new Code section 12-3 to the prohibit the display, possession and release of floating balloons and sky lanterns on any property located within the Town. The ordinance does contain exceptions for: the display, possession or release of floating balloons and sky lanterns indoors; moving floating balloons and sky lanterns from a vehicle to a structure or between structures; and the use of floating balloons by governmental agencies for scientific or meteorological purposes.

The proposed ordinance also adopts a new Code section 18-48 to prohibit the display, release and distribution of balloons of any kind within any park within the Town. The Town Code defines the term “park” to include any playground, beach, recreation center or other area within the Town devoted to active or passive recreation. This section similarly excepts balloons utilized by a governmental agency for scientific or meteorological purposes.

At the last meeting, a Town resident questioned whether the prohibition against sky lanterns should include all types of sky lanterns, even those that are biodegradable. In response, Staff consulted both LMC and Chief Wells of Palm Beach County Fire Rescue. Both recommended that the ban include all types of sky lanterns. Furthermore, Florida Law already prohibits the use of sky lanterns because they fall within the statutory definition of fireworks. (Section

791.01(4)(a), Florida Statutes, defines fireworks to include “the type of balloons which require fire underneath to propel them”). Consequently, Staff recommends adoption of the Ordinance as originally presented.

Ordinance 693 is accompanied by Resolution 2016-08, which allows for enforcement of the sky lantern and floating balloon within the Town and the balloon ban within Town parks through the issuance of Code Enforcement Citations.

Recommendation

Staff recommends that the Town Council approve Ordinance No. 693 on second and final reading.

Staff recommends that the Town Council approve Resolution 2016-08.

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RESOLUTION 2016-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, PROVIDING FOR THE ENFORCEMENT OF THE SKY LANTERN AND FLOATING BALLOON BAN WITHIN THE TOWN AND THE BALLOON BAN IN TOWN PARKS BY CITATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolution 2011-10 on August 24, 2011, the Town Council specified the sections of the Town Code that may be enforced by citation and established a schedule of penalties; and

WHEREAS, through the adoption of subsequent resolutions, the Town Council expanded the list of offenses to be enforced by citation, and the Town Council wishes to again expand the list of offenses to include Section 12-3, prohibiting the display, possession or release of floating balloons and sky lanterns within the Town, and Section 18-48, prohibiting the display, release or distribution of balloons in Town parks; and

WHEREAS, the Town Council determines that the adoption of this Resolution is in the best interests of the residents and citizens of the Town of Juno Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council hereby amends Section 2 of Resolution 2011-10 to authorize enforcement of the following additional section of the Town Code through the issuance of code enforcement citations:

Section	Title (<i>Description</i>)
12-3	Display, possession or release of floating balloons or sky lanterns in Town
18-48	Display, release or distribution of balloons in Town parks

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Section 3. To the extent not expressly modified herein, all other provisions of Resolution 2011-10, as amended, shall remain in full force and effect.

Section 4. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this _____ day of _____, 2016.

Jason Haselkorn, Mayor

1 ATTEST:

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Vanessa Mutchnik, MMC, Town Clerk

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7 APPROVED AS TO FORM AND

8 LEGAL SUFFICIENCY:

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Leonard G. Rubin, Town Attorney