Memorandum

From the Town of Juno Beach Planning & Zoning Department

To: Joseph Lo Bello, Town Manager
From: Ruben Cruz, Director of Planning & Zoning RC
Date: September 6, 2016
Subject: Ordinance No. 693 – Banning Balloons in Town Parks

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.

If the Council approves the proposed ordinance on first reading, staff will present an accompanying resolution on second reading that will allow the Town to enforce these provisions through the issuance of citations.

Recommendation

Staff recommends that the Town Council approve Ordinance No. 693 on first reading.

TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 693

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, RELATING THE POSSESSION, DISPLAY AND RELEASE OF BALLOONS AND SKY LANTERNS; AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 12, "ENVIRONMENT," TO ADOPT A NEW SECTION 12-3, "FLOATING BALLOONS AND SKY LANTERNS;" AMENDING ARTICLE II, "USE AND CONDUCT REGULATIONS OF PARKS," OF CHAPTER 18, "PARKS AND RECREATION," OF THE TOWN CODE OF ORDINANCES TO ADOPT A NEW SECTION 18-48, "BALLOONS PROHIBITED;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Town of Juno Beach is home to one of the densest sea turtle nesting beaches in the entire country; and

WHEREAS, sea turtles and other marine wildlife mistake deflated balloons for food, and once ingested, the balloons damage their digestive systems and may lead to starvation and/or death; and

WHEREAS, the Town's park and recreation areas include the beach and other areas immediately adjacent or in close proximity to the beach and the intentional or inadvertent release or improper disposal of all types of balloons within these areas poses a danger to the environment and to the wildlife that may ingest them; and

WHEREAS, the intentional or inadvertent release of floating balloons and sky lanterns into the atmosphere from any location within the Town also poses a significant danger to the environment and to the wildlife that may ingest them; and

WHEREAS, the Town Council determines that it is in the best interests of the public health, safety and welfare to prohibit the display, release or distribution of balloons of any kind within the Town's park and recreation areas and to prohibit the display, release or distributions of floating balloons and sky lanterns on any property located within the Town.

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

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated herein.

Section 2. The Town Council hereby amends Article I, "In General," of Chapter 12, "Environment," by adopting a new section 12-3 to read as follows (additional language <u>underlined</u>):

Sec. 12-3. Floating balloons and sky lanterns.

(a) *Definitions.* For the purpose of this section, the following words, terms and phrases shall have the meanings ascribed herein, except where the contact clearly indicates a different meaning:

Floating balloon means a balloon of any type inflated with a gas that is lighter than air.

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.

(b) *Prohibition.* On any property located within the town's corporate limits, no person shall:

(1) Display, possess or release one or more floating balloons; or

(2) Display, possess or release one or more sky lanterns.

(c) *Exceptions.* This section shall not prohibit the following activities:

(1) Possession of floating balloons or sky lanterns where such items are moved from a vehicle or structure to another structure where the resulting exposure of such items to the outdoors is de minimis;

(2) Display, possession or release of floating balloons indoors;

(3) Display, possession or release of sky lanterns indoors; or

(4) Display, possession or release of floating balloons by a governmental agency for scientific or meteorological purposes.

Section 3. The Town Council hereby amends Article II, "Use and Conduct of Parks," of Chapter 18, "Parks and Recreation," of the Town's Code of Ordinances by adopting a new Section 18-48 to read as follows (additional language underlined):

Sec. 18-48. Balloons prohibited.

For the protection of sea turtles and other wildlife, no person shall display, release or distribute balloons of any kind in any park. This prohibition shall not apply to the display, release or distribution of balloons by a governmental agency for scientific or meteorological purposes.

Section 4. The provisions of this Ordinance shall become and be made a part of the Code of the Town of Juno Beach, Florida.

Section 5. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective immediately upon adoption

FIRST READING this _____ day of _____, 2016.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2016.

_____	_____	_____
AYE	NAY	JASON HASELKORN, MAYOR
_____	_____	_____
AYE	NAY	JIM LYONS, VICE MAYOR
_____	_____	_____
AYE	NAY	FRANK FAHY, VICE MAYOR PRO TEM
_____	_____	_____
AYE	NAY	ELLEN ANDEL, COUNCILMEMBER
_____	_____	_____
AYE	NAY	BILL GREENE, COUNCILMEMBER

ATTEST:

_____
VANESSA M. MUTCHNIK, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
LEONARD G. RUBIN
TOWN ATTORNEY