

**SPONSORED BY:
MAYOR BROWN**



ORDINANCE NO. 2020-15

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, GARBAGE, TRASH, AND INDUSTRIAL WASTE, BY AMENDING SECTION 11-2, COMPLIANCE CONSTRUED; POLLUTION OF AIR, ADOPTING NEW SUBSECTION TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

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

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

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

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and

WHEREAS, the City Council of the City of Neptune Beach believes balloon and lantern releases should be prohibited in entirety to protect the air, land, and waters of the City; and

WHEREAS, the City Council wishes to prohibit the release of balloons and sky lanterns; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Chapter 11-2, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 11-2. - Compliance construed; pollution of air.

- (a) It shall be unlawful for any person, housekeeper, storekeeper or the owner or occupant of any premises within the city limits, or their agents, servants or employees, to keep or offer for collection, garbage, refuse or industrial waste in any manner other than as provided in this chapter, or as provided in such rules and regulations as the city manager may prescribe under this chapter.
- (b) It shall be unlawful to keep or offer for collection any garbage, refuse or industrial waste in such manner as to render the air or soil impure or unwholesome, or in any such manner as to cause the premises or any premises adjacent thereto, to become littered or unsightly or dirty or unwholesome, or in any manner to violate the provisions of this chapter. It shall be unlawful for any person to leave any paper, glass, cans, food, fish, crab, cigarette butts, or other type of refuse upon the beach in the city.
- (c) 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 a gas that is lighter than air which includes but is not limited to, helium, with the exception of:
 - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
 - (2) Balloons released indoors.
- (d) The following terms and phrases shall have the meanings given herein for purposes of this chapter 5. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

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.

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.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7th day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on Second and Final Reading this 19th day of January, 2021.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, City Clerk

Approved as to form and content:



Zachary Roth, City Attorney

