

ORDINANCE 2019-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE III, LITTER, BY CREATING SECTION 42-96 BY PROVIDING FOR PROHIBITION AGAINST BALLOON RELEASES WITH BALLOONS INFLATED WITH A GAS LIGHTER THAN AIR SUCH AS HELIUM; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the release of helium, foil, mylar or “biodegradable” balloons (which have a lifespan of 5-7 years) into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate;

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

WHEREAS, both research and local first-hand observation shows that marine life and animals ingest these balloons because they mistake them for jellyfish or other edible resources;

WHEREAS, the U.S. Fish and Wildlife Service regularly issues media notices, warning of the devastating impacts of balloons on wildlife;

WHEREAS, the animals and marine life are not able to process the balloons and choke (or the balloon forms an intestinal obstruction) and the creature is sentenced to a painful death; and

WHEREAS, the City Commission believes that balloon releases should be prohibited in order to protect the air, land, and waters of the City, Nassau County, the State of Florida and other natural resources against environmental contamination and degradation and to protect the health and life of animals, birds, and fish.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AS FOLLOWS:

SECTION 1. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida, Chapter 42, Article III, Litter, is hereby amended by adding a section to be numbered Section 42-96, which section reads as follows:

Sec. 42-96. Balloon Release.

- (a) It is unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more 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; or
 - (2) Balloons released indoors.
- (b) Any person who violates or fails to comply with the provisions of this section will be fined \$100.00 by citation as provided in Section 1-12 of this Code of Ordinances.

SECTION 2. All Ordinances or parts of Ordinances and all Resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY In the event any word, phrase, clause, sentence or paragraph hereof is held invalid by any court of competent jurisdiction, such holding will not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 4. EFFECTIVE DATE This Ordinance will take effect immediately upon its final enactment.

ENACTED this 24th day of September, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney