

ORDINANCE NO. 1683

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA,
ADDING CHAPTER 7.85 OF THE LAGUNA BEACH MUNICIPAL CODE
PROHIBITING THE SALE, DISTRIBUTION, AND USE OF BALLOONS**

WHEREAS, balloons made of foil, metallic foil, or other electrically conductive material, also known as Mylar Balloons, pose a safety hazard when released into the air as they can cause power outages, explosions, downed power lines and damaged infrastructure when coming near or into direct contact with high-voltage power lines, resulting in costly repairs and/or hours of power outages affecting City residents and businesses; and

WHEREAS, State law prohibits the outdoor release of any balloon made of electrically conductive material that is inflated with a gas lighter than air (California Penal Code Section 653.1), and requires an object of sufficient weight to be affixed to each balloon at the time of sale or distribution to counter the lift capability of the balloon, and also requires a permanent warning notice regarding the conductivity and danger of Mylar Balloons, along with the manufacturer's name printed on the balloon (California Business & Professions Code Section 22942); and

WHEREAS, on September 18, 2022, AB 847 Electrically Conductive Balloons was chaptered into state law, further requiring any person who sells, offers for sale, or manufacturers for sale in this state, any foil balloon, shall comply with the standardized testing requirements to be established by the Institute of Electrical and Electronics Engineers (IEEE) ensuring the balloon will not cause a fault at high-voltage electric distribution levels no later than four (4) years from the commencement date, or on or around January 1, 2031 (California Business & Professions Code Section 22942); and

WHEREAS, the City of Laguna Beach desires to implement additional measures to minimize the existence of balloons, within the City and mitigate the dangerous impacts from these balloons coming into contact with ocean life, animals and power lines; and

WHEREAS, balloons can be damaging to ecosystems and wildlife when released into the air or not disposed of properly; and

WHEREAS, the Ocean Conservancy has determined that latex and Mylar balloons are the most common form of floating garbage within 200 miles of American shorelines and lists balloons as the second most dangerous debris item since they are frequently mistaken as food by birds, mammals, and marine life. When balloons are ingested, they block the animals' digestive track, which leads to a loss of nutrition, internal injury, starvation, and death; and

WHEREAS, balloon debris on City beaches, parks, streets, and trails is prolific and contributes to plastic and microplastic pollution, despite laws and regulations that prohibit littering; and

WHEREAS, the most effective way to reduce balloon debris in the City's waterways, decrease litter and pollution, and protect the environment, marine life, human health and the City's infrastructure, is to prohibit the use, sale and distribution of balloons; and

WHEREAS, on June 21, 2022, the City Council considered and discussed a proposed ordinance restricting the use, sale and distribution of balloons.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. Chapter 7.85 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

CHAPTER 7.85

RESTRICTIONS ON BALLOONS

Sections:

- | | |
|-----------------|---|
| 7.85.010 | Purpose and Intent |
| 7.85.020 | Definitions |
| 7.85.030 | Prohibition on the Sale, Use, and Distribution of Balloons |
| 7.85.040 | Penalties |

7.85.010 Purpose and Intent.

(A) This Chapter shall be known as the “Restriction on Balloons Ordinance”.

(B) The purpose of this Chapter is to establish standards and procedures for environmental waste and litter reduction measures and promote environmentally sustainable practices throughout the City by prohibiting the use, sale and distribution of Balloons, as defined herein this Chapter. In enacting this Chapter, it is the City’s intent to further current prohibitions and regulations relating to balloons under State law and to protect the City’s residents, businesses, animals, and infrastructure from damage caused by [Balloons. Nothing in this Chapter is intended to or shall be interpreted or applied in a manner so as to conflict with any federal or state law or regulation.

7.85.020 Definitions.

For purposes of this Chapter, the terms below have the following meanings:

“Balloon” means a flexible bag, either as a separate item or included in a packaged product set, including but not limited to, those made from rubber, latex, polychloroprene (neoprene), Mylar or other transparent plastic/polyester resin, foil, metallic foil, electrically conductive material, or other nylon or fabric regardless of fill. A Balloon may be used for decorative, toy or entertainment purposes. A Balloon used for medical, industrial, scientific or government purposes or projects are not subject to the provisions of this ordinance.

“City Sponsored Event” means any event organized or sponsored by or on behalf of the City of Laguna Beach or any department of the City of Laguna Beach.

“Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

“Public Area” means a public place, including, but not limited to, any public streets, alleys, public parking lots, public parks, public beaches, public rights-of-way, parkways, public sidewalks, recreational areas or other publicly owned or controlled property.

“Sell” means to transfer ownership, offer for sale, expose or display for sale, solicit offers to sell or trade for the exchange of money or valuables.

7.85.030 Prohibition on the Sale, Use, and Distribution of Balloons.

(A) No person, including, but not limited to, a balloon wholesaler, retailer, or third-party vendor, shall use, sell, or distribute within the City, any Balloon.

(B) No person shall use any Balloon at any City facility or City sponsored event, or any event held in a public area.

(C) No person shall intentionally release, organize the release of, or otherwise cause or condone the release of any Balloon into the air.

(D) No person shall dispose of any Balloon, except in a suitable receptacle with a secured lid.

(E) This Section shall not apply to manned hot air balloons, Balloons used for medical, industrial, scientific or government purposes or projects, or Balloons used on private property or enroute to a private property intended for private use.

7.85.040 Penalties.

(A) Violations of this Chapter shall not be prosecuted as infractions or misdemeanors and shall only be enforced and punished by the following provisions for administrative fines and business license rescission:

(B) Any violation of this Chapter may be punished by:

(1) An administrative fine not exceeding one hundred dollars (\$100) for a first violation;

(2) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation; and

(3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

(C) The city manager, or designee, may rescind a person's business license issued by the City for the term of that license upon the fourth violation or subsequent violations within a one (1) year of the first violation.

SECTION 3. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment. This Ordinance is further exempt from the provisions of CEQA pursuant to Section 15308 of the State CEQA Guidelines as an action to assure the maintenance, restoration, enhancement, or protection of the environment.

SECTION 4. The provisions of this Ordinance are severable, and the invalidity of any section, paragraph, phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 5. This Ordinance shall become effective January 1, 2024.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in the City of Laguna Beach, California.

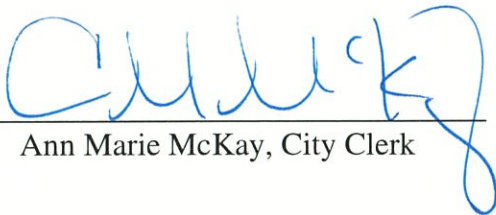
SECTION 7. Upon the effective date of this Ordinance, all former ordinances, or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

APPROVED AND ADOPTED by the City Council of the City of Laguna Beach, California, at a regular meeting held on the 21st day of February, 2023.



Bob Whalen, Mayor

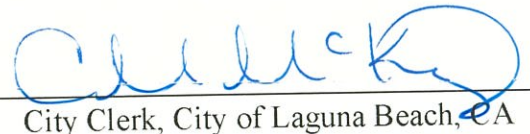
ATTESTED ON: 2/28/2023
Date



Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1683 was introduced at a regular meeting of the City Council on January 24, 2023, and was finally adopted at a regular meeting of the City Council of said City held on February 21, 2023, by the following vote:

AYES: COUNCILMEMBER(S): Orgill, Rounaghi, Weiss, Kempf, Whalen
NOES: COUNCILMEMBER(S): None
ABSENT: COUNCILMEMBER(S): None



City Clerk, City of Laguna Beach, CA