

ORDINANCE NO. 2022- 60

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 1988-26 PROHIBITING LITTERING AND THE ABANDONMENT OF CARS ON PUBLIC RIGHT OF WAY; THIS ORDINANCE AMENDS SPECIFICALLY SECTION 2, ENTITLED "DEFINITIONS," TO PROVIDE FOR DEFINITIONS OF "BALLOON" AND "SKY LANTERN" AND SECTION 3 TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about June 14, 1988, the Board of County Commissioners for St. Johns County ("Board") passed and enacted St. Johns County Ordinance No. 1988-26, prohibiting littering and the abandonment of cars on public rights of way within the unincorporated areas of St. Johns County ("County"); and

WHEREAS, the release of helium, foil, mylar, "biodegradable," or "photodegradable" balloons and sky lanterns into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate or the sky lanterns land; and

WHEREAS, the Board has determined that balloons and sky lanterns released into the atmosphere return to the land and waterways as litter, can travel thousands of miles, and may create a blight in pristine, remote areas; and

WHEREAS, the Board 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 that may ingest this debris; and

WHEREAS, 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 damages their digestive systems, lead to starvation, or death; and

WHEREAS, even "biodegradable" or "photodegradable" balloons do not degrade quickly enough to avoid ingestion of the same by wildlife, with "biodegradable" balloons taking up to four years to decompose; and

WHEREAS, latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon; and

WHEREAS, experts rate balloons as the single most deadly marine debris to sea birds and third most deadly to sea turtles and marine mammals; and

WHEREAS, the U.S. Fish and Wildlife Service regularly issues media notices warning of

the devastating impact of balloons on wildlife; and

WHEREAS, Florida has more miles of coastline than any other state in the lower forty-eight, and 90% of all nesting turtles in the U.S. nest on Florida's beach, with the beaches of the County being recognized as important habitat for sea turtles; and

WHEREAS, sea turtles ingest balloons, mistaking them for jellyfish, which represents a serious threat to an animal classified as endangered or threatened with extinction; and

WHEREAS, balloon releases also pose a danger to livestock, as deflated balloons may be ingested by livestock or may unintentionally be baled by hay balers and subsequently ingested by livestock; and

WHEREAS, of all children's products, deflated and uninflated balloons are a leading cause of suffocation death, according to the U.S. Consumer Product Safety Commission; and

WHEREAS, since 1995, federal law has required all latex balloons packaging to include a warning that uninflated or broken balloons present a choking hazard to, and should be kept from, children younger than eight years of age, *see* 15 U.S.C. § 1278(b)(2)(A); 16 C.F.R. § 1500.20(d)(2); and

WHEREAS, mylar balloons can cause power outages when caught on power lines, including, for example, three separate incidents in Kissimmee, Florida, where a total of 4,200 homes and businesses lost power as a result of balloons entangling in power lines, according to Kissimmee Utility Authority; and

WHEREAS, many power outages have also occurred in the Florida Keys due to mylar balloons; and

WHEREAS, the Florida Legislature, in Section 379.233(1), Florida Statutes, has found that the release of balloons poses a danger and nuisance to the environment, particularly wildlife and marine animals; and

WHEREAS, a ban on balloon releases would have a negligible impact on the balloon and party industry, since nearly all balloons are purchased for indoor decorations; and

WHEREAS, in 2018, The Balloon Council, an organization of balloon retailers, distributors, and manufacturers, publicly revised its stance on balloon releases to actively advocate against the release of balloons and established an educational initiative stressing the importance of never releasing balloons to "protect our planet"; and

WHEREAS, sky lanterns present an additional danger to public health, safety, and welfare due to their unpredictable flight path, which can cause them to travel several miles before landing with the potential of starting a fire, if they land on combustible materials while their fuel source is still active; and

WHEREAS, the release of sky lanterns has led to many reported incidents of personal injury and property damage, as well as wildfires that burned hundreds of acres and required a

substantial amount of fire personnel and resources to extinguish; and

WHEREAS, the National Association of State Fire Marshals has advocated for a nationwide ban on the release of sky lanterns; and

WHEREAS, at least thirty states, including Florida, ban the release of sky lanterns; and

WHEREAS, Section 791.01, Florida Statutes, classifies sky lanterns as “fireworks,” the sale or use of which are generally prohibited by law; and

WHEREAS, the National Fire Protection Association (“NFPA”) has found sky lanterns to constitute a “serious fire safety hazard” that should not be used under any circumstances, and has prohibited such use under NFPA 1 Chapter 10.10.9.3, which has been adopted by the Florida State Fire Marshal as the Florida Fire Prevention Code pursuant to Section 633.202, Florida Statutes, and Rule 69A-60.003, F.A.C; and

WHEREAS, the Board believes that balloon and sky lantern releases should be prohibited in entirety to protect the people and property of the County, as well as its air, land, and waters; and

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

WHEREAS, the Board finds that these revisions to St. Johns County Ordinance No. 1988-26 will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

Section 2. Section 2, “Definitions” of St. Johns County Ordinance No. 1988-26 is amended to read as follows:

Section 2. Definitions: As used in this ordinance

- a) “Litter” means any garbage, construction debris, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, dead fish, dead animal, solid and liquid waste, tree limbs and branches, leaves and grass cuttings, and any flaming or glowing material.
- b) “Person” means any individual, firm, corporation or unincorporated association. It shall also mean the employer or principal of any employee or agent who violates this ordinance while acting within the scope of their employment or agency.
- c) “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.

- d) “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 3. Section 3 of St. Johns County Ordinance No. 1988-26 is amended to read as follows:

Section 3.

- a) It is unlawful for any Person to throw, discard, place, or deposit, Litter in any manner or amount, or having done so, to allow such Litter to remain:

- 1) In or on any public or private highway, road, street, alley, sidewalk or thoroughfare, including any portion of the right of way thereof, or any public lands or buildings, located within St. Johns County, Florida, except in containers lawfully provided as public Litter receptacles or with the consent of the governing body of the public lands and buildings;
- 2) In or on any freshwater lake, river, or stream or wetlands or tidal or coastal water of the state of Florida located within the boundaries of St. Johns County, Florida;
- 3) In or on any private property located within St. Johns County, Florida, except in containers lawfully provided as public Litter receptacles or unless prior consent of the owner of the private property has been given and unless such Litter will not cause a public nuisance or be in violation of any state or local law, rule, or regulation;
- 4) In or on any private dumpster or other private outside trash container located within St. Johns County, Florida, without the written consent of the owner or lessee of the dumpster or container.

- b) 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.

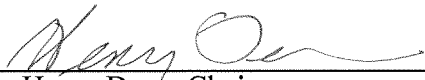
Section 4. The remaining portions of St. Johns County Ordinance No. 1988-26 shall remain in full force and effect.

Section 5. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

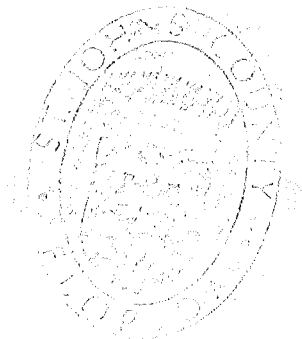
By: 
Henry Dean, Chair

ATTEST: Brandon Patty, Clerk of Court & Comptroller

By: 
Deputy Clerk

Rendition Date: JAN 20 2022

Effective Date: JAN 20 2022



THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003394593-01
PO# 011822

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF MEETING** in the matter of **ORD: 1988-26** was published in said newspaper in the issue dated **01/04/2022**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

NOTICE OF PUBLIC HEARING OF
THE
ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, January 18, 2022, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 1988-26 PROHIBITING LITTERING AND THE ABANDONMENT OF CARS ON PUBLIC RIGHT OF WAY; THIS ORDINANCE AMENDS SPECIFICALLY SECTION 2, ENTITLED "DEFINITIONS," TO PROVIDE FOR DEFINITIONS OF "BALLOON" AND "SKY LANTERN" AND SECTION 3 TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770 no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk
#0003394593 January 4, 2022

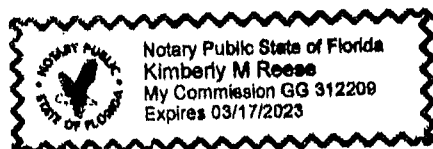
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of JAN 04 2022

by *Melissa Rhinehart* who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 21, 2022

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2022-6, which was filed in this office on January 20, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

FILED JAN 20 2022
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK