

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 97.12, CITY CODE, ENTITLED "REGULATION OF THE RELEASE OF BALLOONS," TO REMOVE THE EXCEPTION FOR BIODEGRADABLE OR PHOTODEGRADABLE BALLOONS.

WHEREAS, the City Commission has indicated that a strong and environmentally sensitive litter ordinance will help to protect Hollywood's Beach and surrounding streets; and

WHEREAS, such Ordinance would also promote the health, safety and welfare of its citizens by regulating disposable plastic food service packaging with the goal of preventing single use plastics from becoming litter, degrading ocean waters, and harming sea life; and

WHEREAS, the City established its polystyrene regulations prior to the State of Florida preemption through Section 97.05 of the City Code by providing regulations of disposable food service products made of plastics, polystyrene plastic or any non-biodegradable material that are sold or distributed by certain establishments east of the Intracoastal Waterway; and

WHEREAS, while the State preempts municipalities from establishing new regulations prohibiting plastic bags and polystyrene Citywide, some regulation remains permissible, including prohibiting the use of polystyrene non-biodegradable disposable or single use plastic food service products on City property or by City vendors, and the use of plastic straws and stirrers Citywide; and

WHEREAS, the State recognizes that the release of balloons filled with lighter than air gas poses a threat to the environment and wildlife, and § 379.233, Florida Statutes, bans the release of more than ten balloons in a 24-hour period; and

WHEREAS, on October 8, 2020, the City adopted Ordinance O-2020-10 that created City Code Sections 97.08 to 97.12 prohibiting the use of polystyrene, non-biodegradable or single-use plastic food service products by City vendors, use of polystyrene, non-biodegradable disposable or single-use plastic food service products on City property, and banning the intentional release of balloons; and

WHEREAS, City Code Section 97.12 allows for the release of biodegradable or photodegradable balloons, yet the City recognizes the use of biodegradable or photodegradable balloons pose the same threats regardless of the quantity; and

WHEREAS, helium, the gas commonly used to fill balloons, is itself a non-renewable and scarce resource with vital applications in medicine and science, and therefore, should be conserved; and

WHEREAS, the Sustainable Hollywood Action Plan demands that the City lead by example to reduce solid waste pollution and to reduce litter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the City's Code of Ordinances is hereby amended to read as follows<sup>1</sup>:

#### 97.12 REGULATION OF THE RELEASE OF BALLOONS.

It is unlawful for any person, firm, or corporation to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air, except for balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes, hot air balloons that are recovered after launching, or balloons released indoors, ~~or balloons that are either biodegradable or photodegradable, as determined by rule of the Florida Fish and Wildlife Conservation Commission, that can be demonstrated as such to law enforcement officers,~~ and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.

Section 2: That it is the intention of the City Commission that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

<sup>1</sup> Underlined words are additions to existing text; struck through words are deletions from existing text; shaded text are changes between first and second readings.

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Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised on \_\_\_\_\_, 2023.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY