

ORDINANCE NO. 09-20

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 54. OFFENSES. ARTICLE I. IN GENERAL. TO CREATE AN ENTIRELY NEW SECTION 54-7 ENTITLED "BALLOONS AND SKY LANTERNS" PROVIDING DEFINITIONS, PROHIBITION, EXCEPTIONS, ENFORCEMENT, AND PENALTIES FOR THE RELEASE OF BALLOONS AND SKY LANTERNS WITHIN THE VILLAGE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 54. OFFENSES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Tequesta Environmental Committee has researched the issue of balloon and sky lantern releases into the atmosphere and has identified a variety of negative environmental consequences associated with this activity, especially related to wildlife and marine animals and their habitats; and

WHEREAS, such wildlife and marine animals, including sea turtles, are known to ingest the debris from fallen balloons and sky lanterns, which can damage their digestive systems and in the worst-case cause death by starvation; and

WHEREAS, Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country; and

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion by wildlife and marine animals; and

WHEREAS, the Village Council has been advised of the Environmental Committee's findings, and as a result desires to act to prohibit the general release of balloons and sky lanterns into the atmosphere within the Village of Tequesta; and

WHEREAS, the Village Council finds that the adoption of these regulations is in the best interests of the Village of Tequesta, and will generally promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:

Section 1: Chapter 54. Offenses. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article I. In General. to create an entirely new section 54-7 entitled "Balloons and Sky Lanterns" providing definitions, prohibition, exceptions, enforcement, and penalties for the release of balloons and sky lanterns within the Village; providing that Sec. 54-7 shall hereafter read as follows:

Sec. 54-7. – Balloons and Sky Lanterns.

- (a) Definitions. For the purpose of this section, the following words, terms, and phrases shall have the meanings ascribed herein except where the context clearly indicates a different meaning:
1. Atmosphere means the troposphere, stratosphere and other layers of air and gas that envelope the Earth.
 2. Floating balloon means a balloon of any type inflated with a gas that is lighter than air. Floating balloons do not use flame for any purpose.
 3. 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.
- (b) Prohibition. It is unlawful to release any floating balloon or any sky lantern into the atmosphere within the jurisdictional limits of the Village of Tequesta.
- (c) Exceptions. The prohibition contained in this section excludes the following activities:
1. Release of floating balloons indoors;
 2. Release of sky lanterns indoors; or
 3. Release of floating balloons, sky lanterns or other devices by a governmental or scientific agency for meteorological or other bona fide scientific or governmental purposes.
- (d) Enforcement and penalties. The Village of Tequesta may enforce this section by means of its code enforcement special magistrate, through judicial proceedings that seek declaratory or injunctive relief or monetary damages, or by any other means available through law or equity. Any person found to have violated the prohibition contained in this section shall be subject to penalties in accordance with Village of Tequesta Code section 1-14 as well as any other penalty or relief available through law or equity.

Secs. 54-8 54-7 — 54-25. - Reserved.

Section 2: Each and every other section and subsection of Chapter 54. Offenses. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.



ORDINANCE

Date

09-20

01-14-2021

Upon Second Reading

Motion Council Member Frank D'Ambra

Second Council Member Laurie Brandon

	FOR	AGAINST	ABSENT	CONFLICT
Mayor Abigail Brennan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Mayor Kyle Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Laurie Brandon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Frank D'Ambra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Bruce Prince	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Ordinance duly passed and adopted.

MAYOR OF TEQUESTA:


 Abigail Brennan

ATTEST:


 Lori McWilliams, MMC
 Village Clerk

