



Administrative Report

N.6., File # 20-0754

Meeting Date: 8/4/2020

To: MAYOR AND CITY COUNCIL
From: TED SEMAAN, PUBLIC WORKS DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING THE CONSIDERATION OF FURTHER DIRECTION ON THE SALE AND USE OF BALLOONS WITHIN THE CITY

EXECUTIVE SUMMARY

On January 7, 2020, the City Council introduced the first reading of Ordinance No. 3201-20 amending Chapter 10, Title 5 of the Redondo Beach Municipal Code, to disallow use of certain polystyrene and single use plastic products and to prohibit the release of helium filled balloons (Ordinance). On January 14, 2020, the City Council introduced and approved the second reading of the new Ordinance, thereby adopting the new Ordinance effective on February 13, 2020. As part of the action on January 14, 2020, the City Council finalized their discussion regarding plastics but requested staff return to continue the discussion on the regulations associated with helium balloons. Besides the plastics regulations, the adopted Ordinance includes a single provision that prohibits any person from releasing any balloon (foil, "metalized", Mylar, latex, etc.) filled with helium from anywhere within City limits. However, several other regulations were discussed in regard to balloons but Council wished to continue that discussion until a later date, while being able to move forward with the plastics regulations. This item is prepared in response to a referral to staff to bring the balloon conversation back to Council for additional discussion. Staff recommends that the Council determine whether it wishes to provide staff with any further direction regarding a balloon ordinance. While this report was written several months ago, staff delayed placing this report on the agenda given more important issues confronting the City involving COVID-19 and the need to finalize and adopt the FY 2020-21 Budget.

BACKGROUND

In response to a strategic plan objective to address pollution issues created by plastic pollution and balloons that have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health, in 2019 the City Council directed staff to prepare a draft ordinance using the City of Manhattan Beach's ordinance as the base. The City Council adopted Ordinance No. 3201-20 on January 14, 2020 to help reduce single-use waste, reduce greenhouse gas emissions, reduce the distribution of disposable single-use plastic, reduce polystyrene use and litter, keep plastic waste from landfills and reduce balloon litter threats to natural ecosystems and ocean wildlife, in order to protect the health of the community and promote environmentally sustainable practices in the City. The portion of the ordinance dealing with the plastics ban becomes enforceable six months after the effective date of the ordinance, on August 13, 2020.

Staff previously contacted businesses likely to be affected by the plastic ban portion of the ordinance using the City's contracted environmental inspector. The inspector has visited about 90% of the targeted facilities to provide information about the new plastics ordinance and has received mostly favorable responses. An outreach package was created and left with business operators (see attached). Many operators have already switched to compliant products. However, there were a few who strongly objected and whose response bordered on abusive to the inspector. The inspector anticipates visiting all of the target businesses prior to beginning date for enforcement of the plastics ban.

Per Council's January 14, 2020 direction on changes associated with the balloon ban, the final Ordinance prohibits any person from releasing any balloon (foil, "metalized", Mylar, latex, etc.) filled with helium from anywhere within City limits. City Council's directed changes associated with the balloon ban are shown below. Per the language and effective dates included in the Ordinance, the ban on releasing any balloon filled with helium from anywhere within City limits will take effect and be enforced one year from the effective date on February 13, 2021.

The language in the current ordinance regarding is shown below.

January 14, 2020 - Language as adopted in new Ordinance per City Council's direction and approved 2nd Reading:

SECTION 6. AMENDMENT OF CODE. Title 5, Chapter 10, Section 5-10.05 is hereby added to the Redondo Beach Municipal Code and shall read as follows:

"Section 5-10.05 Regulations on the prohibition of the release of helium filled balloons.

No person shall release any balloons filled with helium anywhere within the City limits."

SECTION 7. AMENDMENT OF CODE. Title 5, Chapter 10, Section 5-10.06 is hereby added to the Redondo Beach Municipal Code and shall read as follows:

Prior to that, staff had introduced ordinance language with additional restrictions based on those adopted by the City of Manhattan Beach, per Council direction. The first reading of the ordinance in January 7, 2020 includes the following additional regulations.

January 7, 2020 - Previously Proposed Regulations for Redondo Beach:

SECTION 6. AMENDMENT OF CODE. Title 5, Chapter 10, Section 5-10.05 is hereby added to the Redondo Beach Municipal Code and shall read as follows:

"Section 5-10.05 Regulations on the sale, distribution, and use of balloons; Prohibition of the sale, distribution and use of "foil," "metalized," or "Mylar" balloons; prohibition of the release of latex balloons.

(a) No person, including, but not limited to, a balloon wholesaler, retailer (e.g., party supply, craft store) or third-party vendor shall sell or distribute foil, "metalized" or Mylar balloons within the City either as a separate item or included in a packaged product set.

(b) No person shall use or distribute foil, "metalized" or Mylar balloons on public property including parks and beaches.

(c) No person shall use or distribute latex balloons filled with helium at any City function or City sponsored event.

(d) No person shall release latex balloons filled with helium anywhere within the City limits."

Council was not ready to finalize the discussion on these additional regulations during the second reading of the ordinance and asked staff to return at a future date to discuss further. There was no clear direction as to which of these were preferred and so staff is also presenting the following additional information to inform the Council's discussion of additional regulations regarding balloons.

Existing State-wide Regulations:

In 1990 the California State Legislature passed SB 1990, enacting a Balloon Law to regulate the sales and use of helium-filled foil balloons. Balloons often end up where they are not supposed to be, and that can cause serious problems in our communities. The law was passed in an effort to reduce power outages due to metalized (mylar) or foil balloons. SB 1990 prohibits the sale or distribution of a balloon that is constructed of electrically conductive material (metallized Mylar or foil) and filled with helium, without affixing an object of sufficient weight to the balloon to counter the lift capability, affixing a specified warning statement on the balloon, and affixing a printed identification of the balloon's manufacturer. The law also prohibits a person from selling or distributing a balloon filled with helium that is attached to an electrically conductive string, tether, streamer, or other electrically conductive appurtenance, or attached to another balloon.

Although the law was put into effect in 1990, the issue of foil balloons being a hazard resurfaced in 2008. In 2008, Senator Jack Scott proposed Senate Bill 1499 to ban the sale of all foil balloons by the year 2010 due to the increased number of power outages. Opponents to SB 1499 included florists, special-event planners, and small businesses, who said the bill could cost them \$100 million, which could translate to loss of as much as \$80 million in tax revenues for the state. Due to strong opposition by numerous groups, this bill was amended to require notification of potential power outages on all balloon weights and directed research to identify a cost-effective, consumer-friendly

substitute for metallic balloons. The bill was vetoed by Governor Schwarzenegger in September 2008. Assembly Bill 2450, approved by former Governor Jerry Brown in September 2018, requires a person who manufactures a balloon that is constructed of electrically conductive material to permanently mark each balloon with the identity of the manufacturer and a printed statement that warns the consumer about the dangerous risk of fire if the balloon comes in contact with an electrical power line.

According to Paul Netter, Southern California Edison Spokesman, there were 1,128 known metallic-balloon-caused outages in year 2019, and average of 3 per day. These power outages affect thousands of customers statewide and are costly to repair.

Staff is seeking direction from City Council in order to prepare potential ordinance language for a first reading of additional balloon regulation to come at a later date, if further action is desired.

COORDINATION

This information provided in this report is a coordinated effort involving the City Attorney's Office and the Department of Public Works.

FISCAL IMPACT

Besides Staff time required to develop the Ordinance, there is no fiscal impact to the City associated with the recommended action.

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

1. Ordinance No. 3201-20
2. Outreach flyer regarding plastics ban