



Administrative Report

N.4., File # 20-1223

Meeting Date: 1/19/2021

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

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL MUNICIPAL CODE CHANGES FOR SALE, USE AND DISTRIBUTION OF BALLOONS

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 filled balloons. On August 4, 2020, the City Council again discussed balloon regulations and requested staff to return in January 2021 for further discussion. This item is prepared in response to a referral to staff to bring the balloon conversation back to the Council for additional discussion.

Besides the plastics regulations, the 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 regards to balloons but Council deferred that discussion to a later date. Staff recommends that the Council continue their discussion and provide staff with any further direction regarding the sale, use and distribution of balloons in the City.

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 became enforceable six months after the effective date of the ordinance, on August 13, 2020.

Per Council's January 14, 2020 direction on language associated with a 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 regulations associated with balloons 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.

January 14, 2020 - Balloon 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."

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 filled balloons. On August 4, 2020, the City Council again discussed balloon regulations and requested staff to return in January 2021 for further discussion; specifically discussing the balloon regulations as adopted by Manhattan and Hermosa Beach. The balloon language shown below is the same language included in both Manhattan Beach and Hermosa Beach's ordinances, with one exception, Hermosa Beach added "gases lighter than air" to cover a broader range of gas that could potentially be used to fill a balloon and is shown in the language below.

Manhattan Beach and Hermosa Beach Balloon Regulations:

Definitions:

- "Balloon" means a flexible bag, including, but not limited to, those made from rubber, latex, foil, metal, polychloroprene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.
- "Foil Balloon" includes but is not limited to balloons that are made of "metalized" nylon film, and include balloons often referred to as made of Mylar, which is a brand name for a special type of polyester film. Foil or metallic balloons are made of plastic (nylon) sheets coated with polyethylene and metallic materials that are sealed together with heat.
- "Latex Balloon" is a balloon made with the sap from a rubber tree which during the manufacturing process many chemicals are added to the raw rubber including pigments, oils, curing agents, and accelerators.

Ordinance Language:

Regulation on the sale, distribution, and use of balloons; Prohibition of the sale, distribution, and use of "foil," "metalized," or "Mylar" Balloons; Prohibition on 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 Balloons or "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 Balloons or "metalized" or Mylar Balloons on public property, including parks and beaches.
- C. No Person shall use or distribute Latex Balloons filled with air, helium or lighter than air gas at any City function or City sponsored event.
- D. No Person shall release Latex Balloons filled with air, helium or lighter than air gas anywhere within the City limits.

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. An example of the impact caused by mylar balloons coming in contact with powerlines occurred during the recent January 12, 2021 City Council meeting when a power outage occurred requiring the operation of the City's backup emergency generator. SCE has reported that three transformers exploded in south Hermosa Beach due to mylar balloons getting tangled on local powerlines. The outage impacted 9,609 SCE customers, both residential and commercial. The outage began at 8:42 pm and the effected circuit corrected itself quickly so most customers were only impacted for one minute; however, the remaining 1,700 customers weren't restored for an hour. Being without power for one hour may not be a big inconvenience for some, but for many, this is a very serious and frightening occurrence.

Staff is seeking direction from City Council regarding potential ordinance language, if changes to the municipal code is desired. Staff would return at a future date with an ordinance of additional balloon regulations ready for a first reading.

COORDINATION

This information contained in this report was collected and coordinated by the City Attorney's Office and the Department of Public Works.

FISCAL IMPACT

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

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

Ordinance No. 3201-20