



# Council Agenda Report

To: Mayor Mullen and the Honorable Members of the City Council

Prepared by: Craig George, Environmental Sustainability Director

Approved by: Reva Feldman, City Manager

Date prepared: September 19, 2018 Meeting date: October 8, 2018

Subject: Helium-Filled Latex and Mylar Balloon Ban

---

**RECOMMENDED ACTION:** 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 439 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 9.44 (Balloons Prohibited) to Title 9 (Public Peace and Welfare) of the Malibu Municipal Code (MMC) to prohibit the sale, distribution and use of balloons within the City; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 439 for the October 22, 2018 City Council meeting.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**DISCUSSION:** On April 23, 2018, the City Council directed staff to research and draft an ordinance banning the sale and use of balloons in Malibu.

Balloons and their attachments, often made of non-biodegradable plastics, have been identified as one of the most harmful items to wildlife. Incidental and mass balloon releases are often used as a way to celebrate special occasions. Balloons and their attachments can end up in streams, rivers, and ultimately the ocean where endangered marine animals can ingest them causing injury and even death.

Beach clean ups are performed around the world on a regular basis to remove trash, litter, and discarded waste that accumulates on beaches and in waterways. Balloons are unique among all the man-made litter and debris found in the ocean and on the land. Helium filled balloons and their attachments, including plastic valves, disks, and ribbons, are a form of litter that people purchase with the express intention of releasing into the environment.

The amount of balloon debris found in the United States and overseas is considerable. The Ocean Conservancy, an international organization, has tracked balloon debris for

over 31 years through the International Coastal Cleanup campaign. More than 630,000 balloons were collected worldwide between 2008 and 2016. Forty-five percent of these were found in the United States.

Once airborne, balloons can travel long distances landing in the ocean, inland waterbodies, or on land. They often end up as flotsam in gyres of the world's oceans or washing up on beaches thousands of miles away. The balloons or their fragments in the ocean can be mistaken as food by marine animals and ingested. Latex balloons are ranked as the third most common litter item which posed the greatest entanglement and ingestion risk to marine animals, after fishing gear and plastic bags.

Additionally, released balloons can lead to electrical power outages. In 2014, Southern California Edison reported in their service area that 656 power outages were caused by balloons. In 2015, Los Angeles Department of Water and Power reported 519 power outages caused by metallic balloons, in comparison with 393 outages caused by storms or falling trees.

There are several environmentally friendly alternatives to using helium-filled balloons, including bubbles, floating flowers, pinwheels and garden spinners, kites, flags, banners, streamers, and dancing inflatables.

ALTERNATIVES: Do not adopt an ordinance banning the sale and distribution of balloons and continue to allow helium-filled latex and Mylar balloons or ban only the release of helium-filled latex and Mylar balloons.

ATTACHMENT: Ordinance No. 439

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADDING CHAPTER 9.44 TO TITLE 9 (PUBLIC PEACE AND WELFARE) OF THE MALIBU MUNICIPAL CODE PROHIBITING USE, SALE AND DISTRIBUTION OF BALLOONS

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Chapter 9.44 of the Malibu Municipal Code is hereby added to the Malibu Municipal Code to read as follows:

**Chapter 9.44**

**BALLOONS PROHIBITED**

- 9.44.010**      **Definitions**
- 9.44.020**      **Balloons prohibited**
- 9.44.030**      **Penalties**

**9.44.010**      **Definitions**

The following words and phrases, whenever used in this chapter, shall be defined as follows:

- A. “Balloon” means a flexible bag, including, but not limited to, those made from rubber, latex, polychloropene, Mylar, or nylon fabric, that is designed to be inflated with gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float, or designed to be filled with water, that is used for decorative, toy, or entertainment purposes.. Balloons used for medical, industrial, scientific, or machinery purposes are not subject to this Chapter.
- B. “City Sponsored Event” means any event organized or sponsored by the City of Malibu or any department of the City of Malibu.
- C. “Person” means any natural person, business, firm, corporation, partnership, employee, homeowner or other organization or group however organized.

**9.44.020**      **Balloons Prohibited**

- A. No person shall sell or distribute any type of balloon.

- B. No person shall dispose of any balloon in any manner, including by release into the air, other than into a secured trash container to ensure that the balloon does not escape into the air.
- C. No person shall possess or distribute balloons at any City Facility, City Sponsored Event or any event held on City property.

**9.44.030 Penalties**

In addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of this municipal code, violations of the provisions of this chapter are subject to the administrative penalty provisions of Chapter 1.10 (Ord 419 &1, 2017)

SECTION 2. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION 3. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall take effect on 90 days after its final adoption.

SECTION 4. Certification.

The City Clerk shall certify the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of October 2018.

---

RICK MULLEN, Mayor

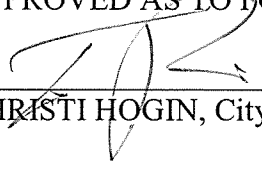
ATTEST:

---

HEATHER GLASER, City Clerk  
(seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:



---

CHRISTI HOGIN, City Attorney