



City and County of San Francisco
Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 002105 **File Type:** Ordinance **Status:** Filed

Enacted: **Effective:**

Version: 1 **Reference:** **In Control:** Clerk of the Board

File Name: Prohibiting mass release of balloons **Introduced:** 12/4/2000

Requester: **Cost:** **Date Passed:** 6/7/2001

Comment No fiscal impact. **Title:** Ordinance adding Section 42C to Part II, Chapter VIII of the San Francisco Municipal Code to prohibit the mass release of balloons to the atmosphere in the City and County of San Francisco and to require sellers of gaseous helium for filling balloons and sellers of helium-filled balloons to post or provide notifications to purchasers of the contents of this Ordinance.

Indexes: **Sponsors:** Katz

History of Legislative File 002105

Ver	Acting Body	Date	Action	Sent To	Due Date	Pass/Fail
1	President	12/4/2000	ASSIGNED UNDER 30 DAY RULE	Public Health and Environment Committee	1/3/2001	
1	Clerk of the Board	6/7/2001	FILED PURSUANT TO RULE 5.38			

1 [PROHIBITING MASS RELEASE OF BALLOONS.]

2
3 **Ordinance adding section 42C to Part II, Chapter VIII of the San Francisco Municipal**
4 **Code to prohibit the mass release of balloons to the atmosphere in the City and County**
5 **of San Francisco and to require sellers of gaseous helium for filling balloons and**
6 **sellers of helium-filled balloons to post or provide notifications to purchasers of the**
7 **contents of this Ordinance.**

8 Note: Additions are *italic; Times New Roman*; deletions
9 are ~~strikethrough italic, Times New Roman~~
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

12 *Be it ordained by the People of the City and County of San Francisco:*

13 *Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco*
14 *hereby finds and declares as follows:*

- 15 *A. The National Oceanic and Atmospheric Administration (NOAA) has recognized burst latex*
16 *and Mylar balloons as a commonly reported source of marine debris;*
- 17 *B. Helium-filled balloons can travel and land hundreds of miles from their release site;*
- 18 *C. Balloons often end up in rivers, estuaries and oceans;*
- 19 *D. Balloons drift onto the surface of water and mimic the appearance of jellyfish and other*
20 *floating organisms that are a natural food source for turtles, fish, dolphins, and shorebirds;*
- 21 *E. Balloons can be ingested by animals who mistake them for food; and*
- 22 *F. The ingestion of balloons can choke, smother and entangle animals or cause animals to*
23 *starve to death.*

24 *Section 2. The San Francisco Police Code is hereby amended by*
25

*Filed pursuant to
file 5.38 6-7-01*

1 adding Article 42C, Sections 4200C.1-4200C.5 to Part II, Chapter VIII of the San Francisco Police
2 Code, to read as follows:

3 Sec. 4200C.1. Definitions. (a) "City" means the City and County of San Francisco.

4 (b) "Balloons" means latex, Mylar, or any other type of balloons that may be filled with a gas
5 lighter than air. "Latex balloons" are standard elastic-type balloons. "Mylar balloons"
6 are balloons made of non-porous material that may hold helium for up to two weeks.

7 (c) "Gas lighter than air" means any gas with a density that is less than that of air, including
8 but not limited to helium.

9 (d) "Person" means any individual, partnership, firm, association, joint stock company,
10 corporation, organization or combination of individuals of whatever form or character.
11

12 Sec. 4200C.2. Mass Release Prohibited. It shall be unlawful for any person to intentionally
13 release or cause to be released within a 24-hour period ten (10) or more latex or other type of balloons
14 (other than Mylar) filled with a gas lighter than air into the atmosphere of the City, or three (3) or
15 more Mylar balloons filled with a gas lighter than air into the atmosphere of the City.
16

17 This section shall not apply to manned hot air balloons or to the release of balloons as part of
18 governmental or scientific research projects. This section shall not apply to releases authorized or
19 reserved by preemptive state or federal law or regulation.

20 Sec. 4200C.3 Duty to Post. (a) Every person who sells gaseous helium for filling balloons or
21 sells helium-filled balloons to the public shall cause a sign or notice to be posted and/or provided at the
22 point of sale or display for purchase notifying prospective purchasers of the provisions of this
23 ordinance. Such notice shall be in English, Spanish, Japanese, Chinese, Vietnamese and Tagalog, and
24 all posted notices shall be posted in a conspicuous location and printed in upper case block letters no
25 less than 24 point type. The notice shall read: "The City and County of San Francisco prohibits the

1 intentional release within a 24-hour period of ten or more latex or other type of balloons (except Mylar
2 balloons) filled with a gas lighter than air into the atmosphere of the City, or three or more Mylar
3 balloons filled with a gas lighter than air into the atmosphere of the City. If a person intentionally
4 releases or causes the release of ten or more latex or other type of balloons (except Mylar balloons)
5 filled with a gas lighter than air into the atmosphere of the City, or three or more Mylar balloons filled
6 with a gas lighter than air into the atmosphere of the City, within a 24 hour period, the person may be
7 deemed guilty of an infraction punishable by penalties of between \$100 and \$500. Repeat violators
8 may be prosecuted for a misdemeanor and subject to fines of not more than \$1000, or imprisonment in
9 the County Jail for not more than six months, or both. " Person " means any individual, partnership,
10 firm, association, joint stock company, corporation, organization or combination of individuals of
11 whatever form or character. "

12 *Sec. 4200C.4 Penalty. (a) Any person violating the provisions of Section 4200C.2 or 4200C.3*
13 *of this Article shall be deemed guilty of an infraction punishable upon the first offense by a warning*
14 *and punishable upon any subsequent offenses charged as infractions by a fine of not less than \$100 nor*
15 *more than \$500. Any offense charged as an infraction under this Section shall be subject to the*
16 *provisions of subdivision (d) of Section 17 and Sections 19.6 and 19.7 of the California Penal Code.*
17 *(b) Any person violating the provisions of Section 4200C.2 of this Article who has been previously*
18 *convicted twice of violating Section 4200C.2 of this Article shall be deemed guilty of an infraction or a*
19 *misdemeanor. Any offense charged as an infraction under this section shall be subject to the provisions*
20 *of subdivision (a) of this Section. Any offense charged as a misdemeanor under this section shall be*
21 *punishable by a fine of not more than \$1000, or by imprisonment in the County Jail for not more than*
22 *six months, or by both such fine and imprisonment. (c) The complaint charging the violation shall*
23 *specify whether the violation charged is a misdemeanor or an infraction. Such charging decision shall*
24 *be at the sole discretion of the District Attorney.*

1 *Sec. 4200C.5 Enforcement. Any provision of Section 4200C.2 through 4200C.3 may be*
2 *enforced by the Police Department, or any authorized designee. //*

3 *///*

4 *///*

5
6 *APPROVED AS TO FORM:*

7 *LOUISE H. RENNE, City Attorney*

8
9 *By: Alison Stewart Cocotis*
10 *ALISON STEWART COCOTIS*
11 *Deputy City Attorney*

LEGISLATIVE DIGEST

[PROHIBITING MASS RELEASE OF BALLOONS (SUPERVISOR KATZ)]

Ordinance adding section 42C to Part II, Chapter VIII of the San Francisco Municipal Code to prohibit the mass release of balloons to the atmosphere in the City and County of San Francisco and to require sellers of gaseous helium to be used for filling balloons and sellers of helium-filled balloons to post or provide notification to purchasers of the contents of this Ordinance.

Existing Law

None.

Amendments to Current Law

This ordinance would prohibit the intentional release or causing of a release within a 24-hour period of ten or more latex or other type of balloons filled with a substance lighter than air, or three or more Mylar balloons filled with a substance lighter than air, to the atmosphere of the City and County of San Francisco. A single violation of the ordinance shall be deemed an infraction, punishable first with a warning and then with a fine from between \$100 to \$500 for any subsequent violations. A third violation of the ordinance may result in charges of an infraction or misdemeanor charges punishable by up to 6 months in the county jail or a fine from between \$500 to \$1000. Additionally, the ordinance would require sellers of gaseous helium for filling balloons and/or helium-filled balloons to post or provide a notice at the point of sale notifying prospective purchasers of the provisions of the ordinance.

Background Information

Helium-filled balloons have been found to travel and land hundreds of miles from their release site, often ending up in rivers, estuaries and oceans. Balloons can then be ingested by animals that mistake them for food. The ingestion of balloons can choke, smother, and entangle animals or cause animals to starve to death. Additionally, burst latex and Mylar balloons have been recognized by the National Oceanic and Atmospheric Administration (NOAA) as a commonly reported source of marine debris. The purpose of the ordinance is to prevent the release of balloons that contribute to such ecological problems from occurring within the City and County of San Francisco.

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or
Meeting Date

I hereby submit the following item for introduction:

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee
- 3. Request for Committee hearing on a subject matter.
- 4. Request for letter beginning "Supervisor _____ inquires..."
- 5. City Attorney request.
- 6. Call file from Committee.
- 7. Budget Analyst request (by motion).
- 8. Legislative Analyst request.

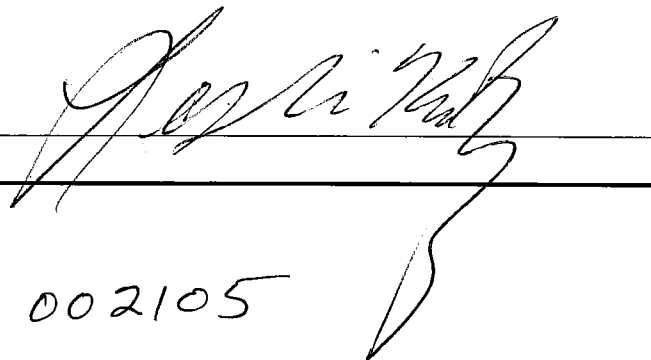
[Note: For the Imperative Agenda (a resolution not on the printed agenda, use a different form.)

Sponsor(s): Supervisor Katz

SUBJECT: Ordinance Prohibiting Mass Release of Balloons

The text is attached:

Signature of Sponsoring Supervisor: _____



002105

For Clerk's Use Only: