

## ORDINANCE NO. 02 - 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 9 NUISANCES BY CREATING A NEW SECTION 9-11 REGULATING FLOATING BALLOONS AND SKY LANTERNS AND A NEW SECTION 9-12 PROHIBITING BALLOONS ON THE PUBLIC BEACH AND OTHER TOWN-OWNED PROPERTY; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AS FOLLOWS:

SECTION 1. Chapter 9 NUISANCES of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended by creating a new Section 9-11 which shall read as follows:

### **Sec. 9-11. Floating 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:

Floating balloon means a balloon of any type inflated with a gas that is lighter than air.

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. For the protection of sea turtles and other wildlife, on any property located within the Town's corporate limits, no person shall:

- (1) Display, possess or release one or more floating balloons; or
- (2) Display, possess or release one or more sky lanterns.

(c) Exceptions. This section shall not prohibit the following activities:

- (1) Possession of floating balloons or sky lanterns where such items are moved from a vehicle or structure to another structure where the resulting exposure of such items to the outdoors is de minimis;
- (2) Display, possession or release of floating balloons indoors;
- (3) Display, possession or release of sky lanterns indoors; or
- (4) Display, possession or release of floating balloons by a governmental agency for scientific or meteorological purposes.

SECTION 2. Chapter 9 NUISANCES of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended by creating a new Section 9-12 which shall read as follows:

**Sec. 9-12. Balloons prohibited.**

For the protection of sea turtles and other wildlife, no person shall display, release or distribute balloons of any kind on the municipal beach property or area or otherwise on public property. This prohibition shall not apply to the display, release or distribution of balloons by a governmental agency for scientific or meteorological purposes.

SECTION 3. Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 4. That all ordinances or parts or ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 6. This Ordinance shall become effective upon its passage and adoption.

FIRST READING this 12<sup>th</sup> day of February, 2018.

SECOND READING and FINAL PASSAGE this 12<sup>th</sup> day of March, 2018.

TOWN OF JUPITER INLET COLONY, FLORIDA

\_\_\_\_\_  
MAYOR DANIEL J. COMERFORD, III

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VICE-MAYOR MILTON J. BLOCK

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COMMISSIONER JEROME A. LEGERTON

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COMMISSIONER SAEED A. KHAN

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COMMISSIONER RICHARD D. BUSTO

ATTEST:

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TOWN CLERK JUDE M. GOUDREAU