

Chapter 6.26

INTENTIONAL RELEASE OF BALLOONS

Sections:

- 6.26.010 Intent and Purpose
- 6.26.020 Definitions.
- 6.26.030 Intentional release of balloons prohibited.
- 6.26.040 Enforcement.
- 6.26.050 Severability.

6.26.010 Intent and Purpose

- A. It is the intent and purpose of this chapter to prohibit the intentional release of balloons in the city to:
1. Protect wildlife and the environment by reducing harmful litter and marine debris;
 2. Improve the cleanliness of city public areas and beaches to increase quality of life for residents, businesses, and visitors; and,
 3. Align with the goals set forth in other city policies, including the city's Sustainable Materials Management Implementation Plan, as most recently adopted by the City Council.

6.26.020 Definitions.

- A. For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:
- “Balloon” means a nonporous and flexible bag or sack made from materials including, but not limited to, rubber, latex, polychloroprene, nylon fabric, or Mylar, designed to be inflated or filled with air, gas, or fluid. Balloons are typically used as a toy, decoration, or for other entertainment purposes.
- “City” or “City of Carlsbad” means the entity that governs the incorporated territory of the City of Carlsbad, California.
- “Gas lighter than air” means a gas that has a lower density than normal atmospheric gases and rises above them as a result, including helium, hydrogen, methane, oxygen, and nitrogen.
- “Enforcement agency” means the City of Carlsbad or its authorized agents charged with ensuring compliance with this chapter.
- “Enforcement official” means the city manager of the City of Carlsbad or designee.
- “Person” means any person, firm, association, business, organization, partnership, business trust, joint venture, corporation, company, or other public, private, or non-profit entity, and includes the City of Carlsbad and its officers or agents.

6.26.030 Intentional release of balloons prohibited.

- A. It is unlawful for any person to intentionally release any balloon or balloons filled with a gas lighter than air. No person shall dispose of balloons or balloon accessories in any manner or location other than in a container for discarded materials collection, in accordance with Chapter 6.08 of this code.
- B. All special event permits required by Chapter 8.17 of this code, leases, facility permits, or other approval granted by city departments for events or other applicable use of city property shall specifically require the permittee to comply with the requirements of this chapter.
- C. This section shall not apply to attended hot air balloons, or balloons used for governmental or scientific research projects.
- D. Nothing in this chapter prohibits the sale or purchase of balloons within the city.

6.26.040 Enforcement.

- A. The enforcement agency and enforcement official may exercise any code enforcement powers and procedures as provided in Title 1 of this code.
- B. Violation of any provision of this chapter shall constitute grounds for enforcement through issuance of administrative citations, in conformance with Chapter 1.10 of this code.
- B. Violation of any provision of this chapter may constitute grounds for retention of all, or a portion of, any deposit paid to the city relating to a city-affiliated event or other use of city facilities where the violation occurred, such as facility rental deposits.
- C. A person that violates any provision of this chapter in connection with a special event on three or more instances within a one-year period shall be prohibited from obtaining a special event permit under Chapter 8.17 of this code for a period of one year.
- D. Each violation of this chapter shall constitute a separate violation.
- E. Nothing in this chapter shall prevent the enforcement official from obtaining compliance by way of warning, administrative remedies contained in Chapter 1.10 of this code, educational means, abatement requirements, or any other civil or administrative remedies available under this code or other applicable law. Such remedies and penalties shall be cumulative and not exclusive.

6.26.050 Severability.

If any portion of this chapter, or its application to particular persons or circumstances, is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter or the application of the chapter to persons or circumstances not similarly situated.