

Sec. 82-73. - Balloons prohibited at public marinas, marine facilities, parks, and beaches.

- (a) *Purpose.* This section is enacted to protect the marine environment, wildlife, aesthetics, and public safety by prohibiting the possession or use of balloons at all public marinas, public marine facilities, and public parks and beaches in the city.
- (b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Balloon means an inflatable object made of any material, including, but not limited to, rubber, latex polychloroprene, BoPET, metalized plastic or nylon fabric, that can be filled with gas or air, and is typically sealed at the neck and tethered, but shall not include inflatable items commonly used in the water, or at the park or beach, such as rafts, toys, or balls.

Marina means any installation which provides any accommodations or facilities for watercraft, including mooring, docking, storing, leasing, sale, rental, or servicing of watercraft, located in the waters of the city.

Marine facility means any device, structure, building or component of a marina.

- (c) *Prohibition.* No person or entity shall possess or use a balloon at the following locations:

- (1) At any public marina or public marine facility; or
- (2) At any public park or public beach.

Vessel operators shall be liable for a violation of the foregoing prohibition if any balloons are present on the vessel in the possession, custody, or control, of any crew member, passenger, or other person.

- (d) *Enforcement and penalties.*

- (1) Notice of violation. If a code compliance officer (which term specifically includes all law enforcement officers) observes a violation of this section, the officer shall issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special magistrate within ten days after service of the notice of violation, and that the failure to appeal the violation within ten days of service shall constitute an admission of the violation and a waiver of the right to a hearing.
- (2) Written warnings. Unless a written warning has been previously issued to the violator in the preceding 12 months, a code inspector may, in lieu of issuing a notice of violation, first issue a written warning to the violator to cease the violation by either:
 - a. Immediately popping and disposing of all balloons being possessed or used on the prohibited public property in an appropriate trash receptacle; or
 - b.

Immediately removing all balloons being possessed or used on the prohibited public property from any public marina, public marine facility, public park or public beach.

The written warning shall be substantially in the same form as the notice of violation as set forth in subsection 82-73(d)(1) above. The failure to correct the violation within ten minutes following the issuance of a written warning shall result in the issuance of a notice of violation pursuant to this section.

- (3) A violator who has been served with a notice of violation must elect to either:
- a. Request an administrative hearing before a special magistrate to appeal the notice of violation, which must be requested within ten days of the service of the notice of violation. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal; or
 - b. Pay the applicable civil fine:
 - i. For a violation of subsection 82-73(c)(1):
 1. First violation by a person or entity within a 12-month period shall be a civil fine of \$250.00 for each balloon up to a maximum total fine of \$1,000.00;
 2. Second or subsequent violation by a person or entity within a 12-month period shall be a civil fine of \$1,250.00 for each balloon up to a maximum total fine of \$5,000.00;
 - ii. For a violation of subsection 82-73(c)(2):
 1. First violation by a person or entity within a 12-month period shall be a civil fine of \$100.00 for each balloon up to a maximum total fine of \$1,000.00;
 2. Second violation by a person or entity within a 12-month period shall be a civil fine of \$250.00 for each balloon up to a maximum total fine of \$2,500.00;
 3. Third violation by a person or entity within a 12-month period shall be a civil fine of \$500.00 for each balloon up to a maximum total fine of \$5,000.00;
 4. Fourth or subsequent violation by a person or entity within a 12-month period shall be a civil fine of \$1,000.00 for each balloon up to a maximum total fine of \$5,000.00.
- (4) Failure to pay the civil fine, or to timely request an administrative hearing before a special magistrate, shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

(5)

A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien for the amount of the lien plus accrued interest.

(6) The special magistrate shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the service of the notice of violation. The special magistrate shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a special magistrate may appeal that decision to a court of competent jurisdiction.

(e) *Public awareness.* The city shall undertake a public awareness campaign to inform residents, businesses, and visitors about the prohibition on balloon possession or use at public marinas, public marine facilities, public parks, and public beaches.

(Ord. No. 2024-4590, § 1, 1-31-24; Ord. No. 2025-4755, § 1, 7-23-25)