

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BURBANK MUNICIPAL CODE (BMC), ARTICLE 9, SECTION 4-1-901 BY ADDING ARTICLE 9, SECTION 4-1-902 RELATING TO THE PROHIBITION OF THE SALE OF METALLIC OR MYLAR BALLOONS, MADE OF ELECTRICALLY CONDUCTIVE MATERIALS FILLED WITH HELIUM OR GAS WHICH IS LIGHTER THAN AIR WITHIN THE CITY OF BURBANK.

City Attorney's Synopsis

Chapter 1, Article 9, Section 4-1-902 of the Burbank Municipal Code prohibits the sale of Mylar balloons, or metallic balloons made of electrically conductive materials filled with helium or gas which is lighter than air, within the City of Burbank. The ordinance allows the sale of Mylar balloons filled with air only and affixed or mounted to a post or decorative structure at the point of sale.

The Council of the City of Burbank finds:

A. The City of Burbank ("City") owns and operates its own electric and water utility, Burbank Water and Power Department ("BWP"), which serves over 51,000 electric customers; and

B. Metallic balloons, also known as Mylar balloons, are a safety hazard when they come in contact with, or come close to, high-voltage power lines, and electricity between two lines can arc when the conductive material from Mylar balloons becomes tangled in the lines, causing power outages, explosions, downed power lines, and damaged infrastructure; and

C. In the last 10 years BWP has had over 114 outages due to contacts with power lines resulting from Mylar balloons, and the Mylar balloon related outages cause the City to incur costly repairs, and hours of outages affecting BWP customers; and

D. Currently state law prohibits the release of Mylar balloons into the air (California Penal Code Section 653.1) and requires an object of sufficient weight to be affixed to each balloon at the time of sale or distribution to counter the lift capability of the balloon, as well as requires permanent warning notices regarding the conductivity and danger of Mylar balloons along with the manufacturer's name to be placed on Mylar balloons (California Business & Professions Code Section 22942); and

E. While the current state laws implement prohibitions and requirements to mitigate Mylar balloons from coming into contact with power lines, it is the desire of this City Council to implement additional measures to minimize the existence of Mylar balloons within the City.

F. The City Council has considered the report dated October 12, 2021 along with all of its exhibits, presented by BWP and by this Ordinance amends Article 9 of the

Burbank Municipal Code, adding Section 4-1-902 to implement the provisions relating to the ban of the sale Mylar balloons within the City.

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

I. Section 4-1-902, PROHIBITING THE SALE OF METALLIC OR MYLAR BALLOONS, of the Burbank Municipal Code is added to read as follows:

4-1-902: PROHIBITING THE SALE OF METALLIC OR MYLAR BALLOONS:

**CHAPTER 1
ARTICLE 9
MYLAR BALLOONS**

4-1-902

A. Purpose and findings.

In enacting this section, it is the City Council's purpose and intent to further the current state law prohibitions and regulations relating to Mylar balloons and to protect the City's residents and electric infrastructure from damages caused by Mylar balloons coming close to, or in contact with, high voltage power lines.

B. Definitions.

"City" means the City of Burbank.

"Mylar balloon" means metallic balloons made of electrically conductive materials filled with helium or gas which is lighter than air.

"Sale" or "Sell" means to transfer ownership, offer for sale, expose or display for sale, solicit offers to sell or trade for the exchange of money or valuables.

C. Mylar balloons – sale prohibited.

1. The sale of Mylar balloons, with the exception of subsection 3 of this section, whether or not inflated with helium or gas which is lighter than air is prohibited.

2. It shall be unlawful for any person, firm, or corporation to sell or offer to sell any Mylar balloon, with the exception of subsection 3 of this section, whether or not inflated with helium or gas which is lighter than air.

3. Mylar balloons filled with air only and securely affixed or mounted to a post or other decorative structure at the point of sale shall be exempted from this section.

II. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA) and, therefore, an environmental review is not required since there is no possibility that the adoption of this ordinance will have a significant effect on the environment and the that the amendments of the Burbank

Municipal Code, 1995 are exempt from CEQA. Accordingly, under provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) the adoption of this ordinance is not subject to the requirements of CEQA.

III. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

IV. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this 11th day of January, 2022.

s/Jess A. Talamantes
Jess A. Talamantes
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

By: s/Christopher Chwang
Christopher Chwang
Senior Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 22-3,965 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 11th day of January, 2022, by the following vote:

AYES: Frutos, Schultz, Springer, Anthony and Talamantes.

NOES: None.

ABSENT: None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following of the ordinance’s adoption on January 11, 2022.

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk