

ORDINANCE NO. 5953

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA
AMENDING TITLE 8 OF THE GLENDALE MUNICIPAL CODE, 1995, BY ADDING
CHAPTER 8.18 TO PROHIBIT THE SALE OF MYLAR BALLOONS**

WHEREAS, the City of Glendale ("City") owns and operates its own electric and water utility, Glendale Water & Power Department ("GWP"), which serves over 82,000 electric customers; and

WHEREAS, 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

WHEREAS, 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

WHEREAS, in the last 13 years GWP has had over 182 outages due to contacts with power lines resulting from Mylar Balloons and animals such as squirrels and birds; and

WHEREAS, the Mylar Balloon related outages cause the City to incur costly repairs, and hours of outages both affecting GWP customers; and

WHEREAS, 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

WHEREAS, 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.

WHEREAS, the City Council has considered the report dated September 29, 2020 along with all of its exhibits, presented by the General Manager of GWP and by this Ordinance amends the Title 8 of the Glendale Municipal Code, 1995 by adding Chapter 8.18 to implement the provisions relating to the ban of the sale Mylar Balloons within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. The above recitals are true and correct.

SECTION 2. Chapter 8.18 is hereby added to Title 8 of the Glendale Municipal Code, 1995, to read as follows:

CHAPTER 8.18

MYLAR BALLOONS

Sections:

- 8.18.010 Purpose and findings.
- 8.18.020 Definitions.
- 8.18.030 Mylar balloons – sale prohibited.
- 8.18.040 Violation and penalties.

8.18.010 Purpose and findings.

In enacting this chapter, 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.

8.18.020 Definitions.

"City" means the city of Glendale.

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

"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.

8.18.030. Mylar balloons – sale prohibited.

A) The sale of Mylar Balloons, with the exception of subsection C of this section, whether or not inflated with helium or gas which is lighter than air is prohibited.

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

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

8.18.040. Violation and penalties.

(A) Criminal penalty. Any person who is convicted of violating this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not greater than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than one hundred eighty (180) days, or by both fine and imprisonment.

(B) Administrative enforcement. The provisions of this chapter may also be enforced through the issuance of administrative citations and the imposition of administrative fines to be set by resolution of the city council.

SECTION 3. Compliance with California Environmental Quality Act.

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 that the amendments of the Glendale 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.

SECTION 4. Severability.

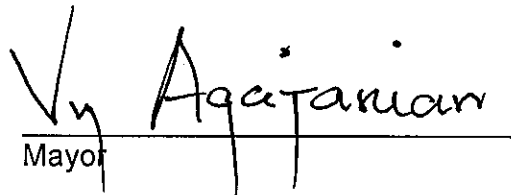
This Ordinance is adopted under the authority of the Charter of the city of Glendale and State law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provision hereof. In this regard the city council finds and declares that it would have adopted this measure notwithstanding any partial invalidity hereof.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

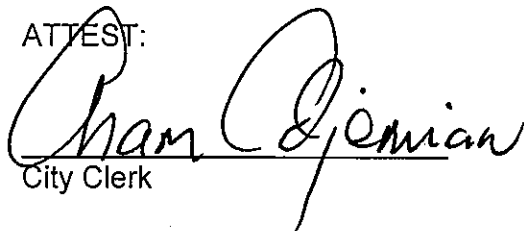
Passed by the Council of the City of Glendale on the 13th day of

October, 2020.



Mayor

ATTEST:



City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE) SS.


I, Aram Adjemian, City Clerk of the city of Glendale, certify that the foregoing Ordinance No. 5953 was passed by a majority vote of the Council of the city of Glendale, California, at a regular meeting held on the 13th day of October, 2020, and that the same was passed by the followed vote.

Ayes: Brotman, Devine, Kassakhian, Najarian, Agajanian

Noes: None

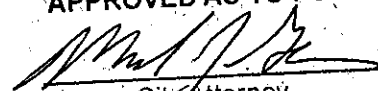
Absent: None

Abstain: None



City Clerk

APPROVED AS TO FORM



City Attorney.

DATE 10/13/2020