



**AN ORDINANCE ADDING SEC. 26-17 TO CHAPTER 26
OFFENSES AND MISCELLANEOUS PROVISIONS
BANNING THE RELEASE OF BALLOONS**

WHEREAS, pursuant to North Carolina General Statutes §160A-174 a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; AND

WHEREAS, in furtherance of the public's health, safety and welfare it is necessary to regulate certain activities upon the lands, waterways, beaches, and dune areas of the Town which degrade or cause harm to these areas or the waters of the Atlantic Ocean, Roanoke Sound, and tributaries of same; AND

WHEREAS, it is further necessary to regulate certain activities to protect the well-being of the natural environment and the wildlife present in this environment.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina:

The Code of Ordinances, Town of Nags Head, North Carolina, is hereby amended by adding a section, to be numbered 26-17, Unlawful to Release Balloons on Town-owned property, which section shall read as follows:

Sec. 26-17. Unlawful to Release Balloons on Town-owned property.

- A. It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release of, intentionally cause to be released, to litter by abandoning and not properly disposing of all waste material, any type of balloon inflated with a liquid, air, or gas on any Town-owned property, any waters within the zoning jurisdiction of the Town, or the beach and/or dune areas within the Town.
- B. The following are not violations of this Section:
- (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
 - (2) Hot air balloons that are controlled by an operator on board or on ground and are recovered after launching.
 - (3) Balloons released inside a building or structure do not make their way into the open air.
- C. The following definitions apply to this Section:
- "Balloon" means a flexible, nonporous bag made from materials such as, but not limited to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be inflated or filled with gas or fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water, and then sealed at the neck of the bag. The Town does not recognize any balloon as "biodegradable or photodegradable".
- "Litter" includes all waste materials resulting from the outdoor release or abandonment of a balloon.
- D. Penalty for violations of this Section:
- Any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$50 to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within ten days after having been cited for violation of the ordinance.

This ordinance shall be effective upon its adoption.

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney


Benjamin Cahoon, Mayor



Date adopted: May 1, 2024

Motion to adopt by: _____

Motion seconded by: _____

Vote: _____ AYES _____ NAYS