

PROPOSED ORDINANCE TO BAN THE RELEASE OF BALLONS IN THE TOPSAIL ISLAND AREA

Submitted to Topsail Island Shoreline Protection Commission by ECO Topsail, Feb. 2023

Release of Balloons Prohibited

The Town recognizes that balloons inflated with lighter-than-air gases and released into the atmosphere, pose a danger and nuisance to the environment, particularly to wildlife and marine animals.

"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.

It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release, organize 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 that is lighter than air (including, and not limited to, helium gas), within the (Topsail Beach, Surf City, or N. Topsail Beach) city limits, any waters within the zoning jurisdiction of the town, or the beach front.

Except for:

- a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
- b) Hot air balloons that are recovered after launching.
- c) Balloons released inside a building or structure that do not make their way into the open air.

Balloons attached and left unattended

Balloons and attached waste material (strings, etc) shall not be tied to any structure (mailbox, yard sign, etc) and left unattended.

Sales requirement.

A person or business may not sell or offer to sell a balloon unless:

The person or business displays in a conspicuous place the Town Ordinance and the warning information made available by the Town.

Warning information.

The Town shall develop and make available to sellers of balloons the warning information that must be displayed. The warning information made available must describe, but is not limited to:

- A. The risks to the environment and to wildlife posed by waste materials resulting from the outdoor release of balloons;
- B. The choking and suffocation risks to children posed by the unsupervised use of balloons;
- C. The risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and
- D. The penalties for littering resulting from the outdoor release of balloons that may be imposed.

Violations and Penalties. Any person found in violation of this ordinance is guilty of a non-criminal infraction punishable by a fine in the sum of \$500 per balloon.