



Date: 4/9/24

Agenda Item Summary Sheet

Item #: 4

Item Title: Discussion of a Potential Ordinance Banning the Release of Balloons

Item Summary: At the March 12, 2024, Town Council meeting, resident Debbie Swick spoke about the negative impacts that releasing balloons into the air has on the environment and wildlife. Mrs. Swick urged the Council to take action that would prohibit the release of balloons. After discussion, the Council unanimously passed a resolution opposing the release of balloons. After further discussion, the Council directed staff to provide examples of ordinances from other North Carolina coastal communities so that the item could be considered again at a future meeting.

Requested Action: If the Town Council chooses to consider the adoption of an ordinance that would ban the release of balloons in the Town, staff asks that direction be given to present a draft ordinance for possible adoption at the May 7, 2024 regular Town Council meeting.

Attachment: Examples of related ordinances from the towns of Duck, Surf City, Topsail, Wrightsville, Swansboro.

Town of Duck

The Code of Ordinances, Town of Duck, North Carolina, is hereby amended by adding a section, to be numbered 130.05, Unlawful to Release Balloons within the Town, which section shall read as follows:

Sec. 130.05. Unlawful to Release Balloons within the Town.

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 within the Town limits, 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 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 \$250 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.

Town of Surf City

Sec. 12-16. Unlawful to release balloons within the town.

(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 within the town limits, any waters within the zoning jurisdiction of the town, or the beach front. Any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250 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.

(b) Except for:

(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 recovered after launching.

(3) Balloons released inside a building or structure do not make their way into the open air.

(c) Definitions.

“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.

Town of Topsail Beach

§ Sec. 24-18. UNLAWFUL TO RELEASE BALLOONS WITHIN THE TOWN.

(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 within the town limits, any waters within the zoning jurisdiction of the town, or the beach front.

(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 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) Any person violating the provisions of this section shall be subject to a civil penalty as set forth in Sec. 1-7 and Table 1 thereof.

Town of Wrightsville Beach

§ 92.31 UNLAWFUL TO RELEASE BALLOONS ON TOWN PROPERTY, BEACH FRONT AND WATERS SURROUNDING THE TOWN.

It shall be unlawful for any person to litter by releasing inflated balloons in or on or by discarding balloons in or on any property owned by the town, any waters within the zoning jurisdiction of the town as established pursuant to the provisions of G.S. § 160A-360 or the beach front as defined in this chapter of the Town Code. Any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250 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. In accordance with G.S. § 160A-175(b), any person violating the provisions of this section shall not be subject to the penalty provisions of G.S. § 14-4 and such action shall not be considered a breach of the penal laws of the state.

(Ord. 1642, passed 11-18-10)

Town of Swansboro

§ 92.16 UNLAWFUL TO RELEASE BALLOONS WITHIN THE TOWN'S CORPORATE LIMITS.

It shall be unlawful for any person to litter by releasing inflated balloons or by discarding balloons in or on any property within the town's corporate limits. Any person violating the provisions of this section shall be subject to a civil penalty, in accordance with G.S. § 160A-175, in the amount of \$250 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 this section.

(Ord. 2018-O10, passed 8-14-18)