

**AN ORDINANCE ADDING CHAPTER 130, SECTION 05, CREATING AN ORDINANCE  
BANNING THE RELEASE OF BALLOONS IN THE TOWN OF DUCK**

**Ordinance 24-01**

**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, Currituck 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 Town Council for the Town of Duck, North Carolina:

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:

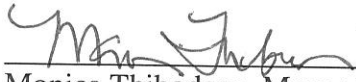
Sec. 130.05. Unlawful to Release Balloons within the Town.

- 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.

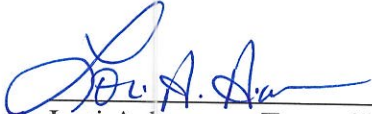
D. Penalty for violations of this Section:

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.

This ordinance shall be effective upon its adoption.

  
Monica Thibodeau, Mayor Pro Tempore

ATTEST:

  
Lori Ackerman, Town Clerk

Date adopted: April 3, 2024

Motion to adopt by: Brenda Chasen

Vote: 4 AYES 0 NAYS

