

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING CHAPTER 9, ARTICLE I OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES BY ADDING SECTION 9-12 PROHIBITING THE INTENTIONAL**
4 **RELEASE OF BALLOONS WITHIN CURRITUCK COUNTY**

5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
6 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
7 welfare of its citizens and the peace and dignity of the county; and

8 WHEREAS, pursuant to N.C. Gen. Stat. §153A-132.1, a county is authorized to enact
9 ordinances governing the removal, method or manner of disposal, depositing or dumping any
10 trash, debris, garbage, litter, discarded cans or receptacles or any waste matter whatsoever within
11 the county; and

12 WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3, counties may, by ordinance,
13 define, prohibit, regulate, or abate acts, omissions, or conditions upon the State’s ocean beaches,
14 and in the interest of promoting the health, safety and welfare of the public, regulate, restrict, or
15 prohibit the placement, maintenance, location, or use of equipment, personal property, or debris
16 upon the State’s ocean beaches; and

17 WHEREAS, the release of balloons pose a serious threat to the county’s environment,
18 wildlife, and utility infrastructure.

19 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
20 County of Currituck, North Carolina as follows:

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22 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding
23 Section 9-12 to Chapter 9, Article I to read as follows:

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27 **Sec. 9-12. Release of balloons prohibited.**

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29 (a) For purposes of this section:

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31 Balloon means a flexible, nonporous bag made from materials such as, but not limited
32 to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be inflated or filled
33 with gas or fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water, and
34 then sealed at the neck of the bag.

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36 (b) It shall be unlawful for any person, firm, nonprofit organization, or corporation to
37 knowingly and intentionally release, participate in the release of, intentionally cause
38 to be released, to litter by abandoning and not properly disposing of any type of
39 balloon inflated with a liquid, air or gas within the county, any waters within the
40 zoning jurisdiction of the county, or the beach and/or dune areas within the county.

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42 (c) 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; and
- (3) Balloons released inside a building or structure that do not make their way into the open air.
- (4) Accidental release of balloons

(d) Penalty. Any person found to be in violation of this section shall be subject to a civil penalty in the amount of \$50.00 for each violation.

PART II. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV. This ordinance is effective upon adoption.

PASSED First Reading, the 27th day of January, 2025.

ADOPTED this, the 17th day of February, 2025.

Selina S. Jarvis, Vice-chair
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Megan E. Morgan, County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

1 Second by Commissioner _____

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3 Vote: _____ AYES _____ NAYS

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