



Agenda Item _____

Date: May 6, 2024
Submitted By: Melody Clopton
Subject: Balloon Discussion
<p>Background:</p> <p>Ms. Debbie Swick from Southern Shores, NC submitted a petition to our Council and spoke at the Town's March 4, 2024 Council meeting. Ms. Swick has also presented to other municipalities, urging them to consider the harmful effects of balloon pollution on sea life, wildlife, and our community.</p> <p>Ms. Swick's objective is to enact legislation across the state of North Carolina to address the issue of balloon pollution. The details of Ms. Swick's request are included in the attached document.</p> <p>Town staff is seeking direction in this matter.</p> <p>We have attached examples of the actions other Towns have taken.</p> <p>In summary:</p> <ul style="list-style-type: none"> • Town of Duck has recently passed an ordinance that prohibits the release of any balloon inflated with liquid, air, or gas within the Town limits. • Town of Kill Devil Hills is currently focusing on increasing its educational efforts but will consider a resolution at its May meeting. • Town of Nags Head is preparing an ordinance that will prohibit the launching of balloons from Town-owned properties. They also have proposed a resolution. This matter will be discussed during their May 1 meeting agenda. Additionally, they will also be conducting educational campaigns. • Town of Southern Shores has passed a resolution and considering an ordinance at their May meeting.
<p>Recommended Motion:</p> <p>This is for informational and discussion purposes. No motion is needed at this time.</p>

Debbie Swick
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debswick@hotmail.com

RE: BAN THE RELEASE OF HELIUM BALLOONS IN THE STATE OF NORTH CAROLINA

Dear Mayor and Esteemed Town Commissioners,

As an extremely active volunteer for many organizations on the Outer Banks I can bear witness to the horrors that all litter, and more specifically, balloon pollution, creates on Our beautiful shoreline and in Our oceans. As a member of N.E.S.T. and a member of The Mammal and Seal Stranding Teams, I see firsthand examples of how balloons cause injury and death to these magnificent creatures, some who have sadly obtained Government Status as ENDANGERED. With your help, I hope to acquire local resolutions prohibiting the release of ALL helium/nitrous balloons while also implementing other restrictions for safer sales and post purchasing practices. My goal is to obtain Legislation throughout the State of North Carolina, and further use it to entice other States throughout Our Country to do the same. The Releasing of Balloons is not strictly a coastal issue. It harms wildlife AND domestic animals throughout the whole United States. Balloon Pollution is a Global problem; one we can address here, at home, and make a grand statement that it is not only not accepted here but will no longer be tolerated in our Beautiful Outer Banks and its surrounding areas.

The Latex balloon is made from plant-based materials and is marketed as biodegradable. There are, in fact, chemicals added to the process which allows the balloon to exist longer. These take approximately 4 to 5 years to break down. The Mylar balloon is created from Nylon and a thin layer of metalized film on top, which is made from petroleum. This type of balloon can take, according to scientific research, upwards of 100 years to break down. The ribbon takes about 150 years. THEY NEVER, NEVER COMPLETELY GO AWAY as they break down into microplastics, causing damage to sea life of all sizes.

Sea inhabitants become ensnared in ribbon, as do Our magnificent shorebirds. Balloon plastic is the number one threat to a shorebird's existence and is 32% higher than the threat of hard plastics. Sea Turtles mistake balloons for jellyfish, a staple in their diet. Larger mammals ingest these balloons. They become lodged in the digestive tract giving the animal a sense of having eaten recently. This causes the animal to stop feeding and it will die a horrific and agonizing death of starvation. In November 2023, a Gervais Beaked Whale was found deceased on Emerald Isle, NC. It was determined that the cause of death was in fact an ingested balloon which was found to be intact at the necropsy. This was a nursing calf, still at his mother's side. At the site of the December 27, 2023 stranding of a Sperm Whale in Nags Head I found a balloon not far from the water that had a company logo on it. When I traced the company to its location, I found that it had traveled 760 miles from a realtor office in Birmingham, Alabama. While it had not made it to the ocean it certainly could have caused harm to another animal as **BALLOONS ARE THE NUMBER 1 CAUSE OF DEATH FOR SPERM WHALES.**

The average helium balloon is able to travel approximately 1300 miles. The Cape Hatteras National Seashore National Park Service recently reported that they collected 1786 balloons in 2023. The number collected in 2022 was 733; an increase of more than 1000 balloons. One of the balloons collected this year had been released 3 days prior to its being found and was released from Wisconsin. I remind people to liken a balloon traveling through the wind currents across our Country as did the smoke from the Canadian wildfires in the Summer of 2023. Balloons can blow! I also like to remind listeners that while the number of retrieved balloons is impressive, consider firstly that this is over a span of approximately 70 miles of our 3375 mile coastline and secondly, imagine if you can, how many thousands more balloons did not land on our coast, but came to rest in our beautiful ocean. The numbers must be staggering.

Balloon releases can be both ACCIDENTAL and PURPOSEFUL. An accidental release occurs when attempting to load your car in a windy environment, or breaking free from a sign or mailbox, for example. A purposeful release occurs for Weddings, Graduations, Gender Reveals and most popular, Memorializing a loved one. Alternatives exist in many forms. One can choose brightly colored pinwheels for signage or mailboxes. One can scatter birdseed or wildflower seeds, use all natural confetti, plant a tree, or my favorite, blow bubbles. I promise you; **BALLOONS DO NOT MAKE IT TO HEAVEN!** The use of balloons can and should be replaced with items that are more respectful to the world we live in and all its inhabitants. As a frequent roadside and beach trash collector, the number of balloons retrieved is heartbreaking, but I promise you I've never had cause to pick up seeds or bubbles.

If you are driving down the road and throw a deflated balloon out of your car window, it is called littering. If you fill a balloon with helium and let it go into the air, do you know what that is called? It is **STILL** littering!

I ask that you consider implementing covenants, resolutions or bylaws for the following:

1. All Helium/Nitrous filled balloons sold in your town jurisdiction be required to have a one ounce or more weighted object attached to their tether at the time of sale.
2. No balloons may be used as attachments to unsupervised and unmonitored outdoor signage, mailboxes, railings, tables, etc. where accidental releasing may occur.
3. No companies may advertise or offer for sale, at any time, balloons whose sole intention is that for releasing, i.e., memorial, wedding, graduation, etc.,
4. **NO BALLOONS, WITH THE EXCEPTION OF GOVERNMENTAL PERMISSION, MAY BE RELEASED AT ANY TIME, FOR ANY PURPOSE, IN ANY AMOUNT.**

We are all so fortunate to reside where we do. What a great and resounding testament to our residents and visitors alike that we, together are taking a stand to exclaim that our Coast and its inhabitants matter to us, today, and for all time to come.

Respectfully submitted,

Debbie Swick

**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.

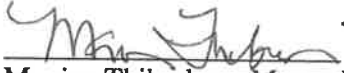
- A. It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release of, intentionally cause to be released, to litter by abandoning and not properly disposing of all waste material, any type of balloon inflated with 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.

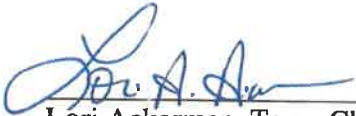
D. Penalty for violations of this Section:

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





**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 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.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

Date adopted: **May 1, 2024**

Motion to adopt by: _____

Motion seconded by: _____

Vote: _____ AYES _____ NAYS



**RESOLUTION OF THE TOWN OF NAGS HEAD, NORTH CAROLINA,
OPPOSING THE RELEASE OF BALLOONS WITHIN THE TOWN**

WHEREAS, The Town of Nags Head's Vision Statement emphasizes preservation of our unique coastal community built upon a legacy rooted in shared values. The Town's Vision includes the preservation and protection of the Nags Head character and environment for present and future generations; **AND**

WHEREAS, one of the principles in the Town's Legacy is to ensure access to a well-protected natural coastal environment consistent with the community's vision; **AND**

WHEREAS, the release of helium and other lighter-than-air balloons poses a significant environmental threat; **AND**

WHEREAS, mylar and latex balloons, found littered along the shoreline, contribute to pollution, detract from the Town's aesthetics, and endanger marine and animal life; **AND**

WHEREAS, balloons frequently land in the Atlantic Ocean and the Roanoke Sound, becoming prevalent sources of floating debris; **AND**

WHEREAS, research suggests that marine life and animals mistake balloons for edible resources, leading to ingestion and potential harm, risking choking or intestinal blockages; **AND**

WHEREAS, government intervention is crucial for mitigating environmental harm and safeguarding public health and safety.

NOW, THEREFORE, LET IT BE RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, that the Town strongly opposes the release of helium or lighter-than-air balloons within Nags Head to preserve the Town's air, land, and water from contamination, and to protect the well-being of wildlife.

Adopted this 1st day of May 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk