



**Town of Southern Shores**

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TCA-24-01

5-1-24

Ordinance 2024-05.01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

**WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that 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 may define and abate nuisances; 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;

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Town Code.**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

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2 **PART I.** That **Sec. 22-12. Unlawful to release balloons within the town.** Be added  
3 as follows:  
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5 **Sec. 22-12. Unlawful to release balloons within the town.**  
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7 (a) Definitions. For the purpose of this section, the following words and phrases are  
8 defined:

9 Balloon means a flexible, nonporous bag made from materials such as, but not  
10 limited to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be  
11 inflated or filled with gas or fluid, such as helium, hydrogen, nitrous oxide,  
12 oxygen, or air, and then sealed at the neck of the bag. The town does not  
13 recognize any balloon as “biodegradable or photodegradable”.

14 Litter includes all waste materials resulting from the outdoor release or  
15 abandonment of a balloon.

16 (b) It shall be unlawful for any person, firm, nonprofit organization, school,  
17 corporation, or other business affiliation, to knowingly and intentionally release,  
18 participate in the release of, intentionally cause to be released, to litter by  
19 abandoning and not properly disposing of all waste material, any type of balloon  
20 inflated with a liquid, air, or gas within the town limits, any waters within the zoning  
21 jurisdiction of the town, or the beach and/or dune areas within the Town.

22 (c) Exemptions. The following are not violations of this section:

23 (1) Balloons released by a person on behalf of a governmental agency or pursuant  
24 to a governmental contract for scientific or meteorological purposes.

25 (2) Hot air balloons that are recovered after launching.

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

28 (d) Penalty.

29 Any person violating the provisions of this section shall be subject to a civil penalty  
30 in the amount of \$250 to be recovered by the town in a civil action in the nature of  
31 debt if the offender does not pay the penalty within ten days after having been cited  
32 for violation of the ordinance.

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34 **ARTICLE IV. Severability.**  
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36 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
37 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
38 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
39 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
40 Town of Southern Shores, North Carolina which shall remain in full force and effect.  
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42 **ARTICLE V. Effective Date.**

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This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Elizabeth Morey, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_\_AYES\_\_\_NAYS