

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF KITTY HAWK 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 that 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 of 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 ellipse ("...") 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 Kitty Hawk, North Carolina, that the Town Code shall be amended as follows:

- (a) *Definitions*. For the purpose of this section, the following words and phrases are defined; *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 or air 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.

(b) It shall be unlawful for any person, firm, nonprofit organization, school, corporation, or other business affiliation 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 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.

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

- a. Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
- b. Hot air balloons that are recovered after launching.
- c. Balloons released inside a building or structure that do not make their way into the open air.

(d) *Penalty.*

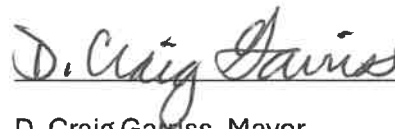
Any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250 to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within ten days after having been cited for violation of the ordinance.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Kitty Hawk, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 10th day of June, 2024



D. Craig Garms, Mayor



Lauren Garrett, Town Clerk

