

ORDINANCE NO. 2025-17

**AN ORDINANCE OF THE HUNTINGTON COUNTY BOARD OF COMMISSIONERS
ESTABLISHING FINES AND PENALTIES FOR INFRINGEMENT UPON PUBLIC
HEALTH, SAFETY, AND WELFARE AMID LOCAL HALLOWEEN FESTIVITIES.**

WHEREAS, Indiana Code Section 36-1-3 *et seq.* grants a county the authority to exercise any powers for the effective operation of government as to local affairs;

WHEREAS, Indiana Code Section 36-8-2-4 provides that a county may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, Indiana Code Section 36-8-2-11 provides that a county may regulate solicitation by persons offering goods or services to the public or solicitation for charitable causes;

WHEREAS, Indiana Code Section 36-1-3-8 prohibits a county from prescribing a penalty of a fine for a violation of any ordinance that is more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance;

WHEREAS, the County of Huntington, Indiana (“County”) desires to further cultivate a safe and secure local community for all of its citizens, especially those who are most vulnerable, such as minor children;

WHEREAS, the health, safety, and welfare of all citizens in the County are best served by adopting an Ordinance that further limits and/or prevents registered sex offenders, violent offenders, and/or sexually violent predators from interacting with minor children in the County;

WHEREAS, the County believes that establishing fines and penalties for violations of this Ordinance is necessary for the protection of public health, safety, and welfare;

WHEREAS, the County desires to establish by Ordinance fines and penalties for a registered sex offender’s, violent offender’s, and/or sexually violent predator’s offering of goods and/or items related to trick-or-treating activities on October 30th and October 31st of each calendar year, or on any other date designated for trick-or-treating in the County; and

WHEREAS, upon the adoption, facilitation of notice pursuant to Indiana Code Section 36-2-4-8(b), and subsequent effectiveness of this Ordinance NO. 2025-____, the County’s Ordinance Providing for Enhanced Public Health, Safety, and Welfare Amid Local Halloween Festivities (“Ordinance NO. 2025-____”) shall become ineffective, null, and void.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
AS FOLLOWS:**

Section I. Definitions: The following definitions shall apply throughout this Ordinance:

- a) “Sex offender” shall have the meaning defined in Indiana Code Section 11-8-8-4.5.

- b) "Sex or violent offender" shall have the meaning defined in Indiana Code Section 11-8-8-5.
- c) "Sexually violent predator" shall have the meaning defined in Indiana Code Section 35-38-1-7.5.
- d) "Trick-or-Treating" shall refer to the act of passing out goods and/or items at an individual's dwelling, in participation of activities related to the celebration of the Halloween holiday, such celebration occurring on October 30th and October 31st of each calendar year, or on any other date scheduled for such celebration in the County.
- e) "Dwelling" shall have the meaning defined in Indiana Code Section 35-31.5-2-107.
- f) "Local Law Enforcement Authority" shall have the meaning defined in Indiana Code Section 11-8-8-2.

Section II. General Provisions:

- a) Between the hours of 4:00 p.m. and 11:00 p.m. on October 30th and October 31st of each calendar year, or on any other date designated for trick-or-treating in the County, a sex offender, violent offender, and/or sexually violent predator shall not leave an exterior porch light on at their premises of dwelling or otherwise solicit the premises, in an effort to offer goods and/or items related to trick-or-treating activities.
- b) Any sex offender, violent offender, and/or sexually violent predator who violates Section II(a) of this Ordinance shall be subject to a (1) \$200.00 fine for a first offense, (2) \$400.00 fine for the second offense, (3) \$1,000.00 fine for the third offense, and (4) \$2,500.00 fine for the fourth or subsequent offense.
- c) Each of the aforementioned fines provided in Section II(b) of this Ordinance shall be paid within thirty (30) days of their issuance. If such fines are not paid within thirty (30) days of their issuance, a ten percent (10%) increase will be assessed for each additional thirty (30) days that such fines remain unpaid and the County may implement enforcement proceedings.
- d) Any sex offender, violent offender, and/or sexually violent predator who violates Section II(a) of this Ordinance may be subject to prosecution.
- e) Any sex offender, violent offender, and/or sexually violent predator who violates Section II(a) of this Ordinance may also be subject to prosecution for any offense committed beyond the violation of this Ordinance.
- f) Any sex offender, violent offender, and/or sexually violent predator who refuses to comply with this Ordinance shall be reported to the appropriate local law enforcement authority.

Section III. Nullification of Prior Ordinance:

Upon the adoption, facilitation of notice pursuant to Indiana Code Section 36-2-4-8(b), and subsequent effectiveness of this Ordinance NO. 2025-16, the County's Ordinance Providing for Enhanced Public Health, Safety, and Welfare Amid Local Halloween Festivities ("Ordinance NO. 2025-16") shall become ineffective, null, and void.

Section IV. Effective Date:

This Ordinance shall be in full force and effect after its passage, facilitation of notice pursuant to Indiana Code Section 36-2-4-8(b), and after the occurrence of all other actions required by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, ON THIS 20 DAY OCTOBER 2025.

This Resolution was adopted on October 20, 2025. A signed physical copy of this document is available by request in the Commissioners' Office located at 201 North Jefferson Street Huntington, Indiana