

TOWN OF FAIR HAVEN  
ORDINANCE REGULATING HALLOWEEN ACTIVITIES

AN ORDINANCE REGULATING HALLOWEEN ACTIVITIES, PROVIDING DEFINITIONS, SETTING CONDITIONS & LIMITATIONS, PARENT/GUARDIAN RESPONSIBILITY AND PROVIDING FOR PENALTIES.

Section 1. Authority.

Pursuant to Title 24 VSA Sections 2291(14), 2151 and 1971(a), the Selectmen of the Town of Fair Haven, hereby adopt the following ordinance to prevent malicious mischief and vandalism to public and private property within the Town of Fair Haven that occurs during the Halloween season. This ordinance is designated as a civil ordinance pursuant to Title 24 VSA Section 1971(b).

Section 2. Intent & Purpose.

The Select Board of Fair Haven finds and declares that:

- (a) Malicious mischief and vandalism of public and private property are a public nuisance, cause public inconvenience and annoyance, and create a risk to the health and safety of citizens and visitors of Fair Haven.
- (b) The provisions contained in this ordinance are intended to regulate the activities during the Halloween season to prevent damage, injury or disruption and disturbance of the residential and business environment of the town.
- (c) The provisions and prohibitions herein contained are enacted to prevent malicious mischief and vandalism, for the safety and welfare of the Town's citizens.

Section 3. Definitions.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely discretionary.

- (1) "Halloween" shall mean the evening of October 31st from 5:00 p.m. until midnight, celebrated by individuals with masquerading and collecting candy and treats.
- (2) "Halloween celebrant" shall mean one who participates in the Halloween celebration.
- (3) "Halloween Season" shall mean the period of time from October 28th through November 1st.
- (4) "Malicious mischief" shall mean willful, wanton, or reckless damage to or destruction of another's property.

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- (5) "Vandalism" shall mean willful or malicious destruction or defacement of public or private property.

Section 4. Conditions and Limitations.

- a. Halloween celebrants wishing to celebrate Halloween with masquerading and collecting candy and treats shall only do so on October 31st between the hours of 5 p.m. and 8 p.m.
- b. It shall be unlawful to participate in any activity, during the Halloween season, with the purpose or intent to cause malicious mischief or vandalism to public and private property within the the Town of Fair Haven.
- c. No persons under sixteen years of age shall loiter in the streets or other public places after the hour of 10:00 p.m. during the Halloween season.

Section 5. Responsibility of Parent(s) and Guardian(s).

The Parent(s) or Guardian(s) of any minor child shall not permit any such minor child to violate any of the provisions of this ordinance.

Section 6. Enforcement.

The Fair Haven Police Department, Fair Haven Constables, Vermont State Police and Rutland County Sheriffs will be the chief enforcement and issuing officials of this ordinance.

Section 7. Penalties.

Any individual or Parent/Guardian of a minor child who is found to be in violation of any provision of this Ordinance shall be subject to the following civil penalty:

Section 4(a)	\$ 25.00
Section 4(b)	\$ 100.00
Section 4(c)	\$ 5.00

Section 8. Separability.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such findings shall not invalidate any other part of this ordinance.

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Section 9. Effective Date.

This ordinance shall become effective sixty (60) days after its adoption by the Fair Haven Selectboard. If a petition is filed under 24 VSA 1973, that statute shall govern the taking effect of this ordinance.

Section 10. Notice.

This ordinance shall be entered into the minutes of the town records and shall be posted in a least five conspicuous places in town. The entire text of it shall be published in Fair Haven Promoter within fourteen days of its adoption accompanied by information as to where the full text of it may be examined, the right of voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

Adopted by the Board of Selectmen, Town of Fair Haven, Vermont at the regularly scheduled meeting of June 17, 1997.

Effective date of ordinance: August 17, 1997.

For more information or a copy of this ordinance  
please contact:

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