



# Agenda Item Report

## Regular City Council Meeting - 12 Oct 2021

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### Staff Contact

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### Subject

Consideration for Proposed Ordinance Repealing Title VIII, Chapter 85, Section 85.33  
(Halloween "Trick or Treat" Visits)

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### Summary

In years past, Cities and Towns adopted ordinances stating times, ages and even setting new dates for Halloween to be celebrated. Each year, residents of the City of Whiteville begin calling City Hall to find out when Halloween will be celebrated. Last year, the City had negative comments/press regarding the Halloween statement in the City's Code. Attached you will find the current language of the code. Staff is recommending that the City repeal the language and if the Council desires, prepare a proclamation (see attached) suggesting safety guidelines for Halloween. The City does not try to regulate other floating holidays, why is the City trying to regulate Halloween? Attached is also an article from Pacific Legal stating that regulating Halloween or trick or treating is a First Amendment Violation.

Also attached is a small survey of other cities/towns in North Carolina of what they have in their codes. The first listing has ordinances that basically stated the same as Whiteville's. Which if contested in court, will most likely be unenforceable. There are NCGS that can regulate any trouble if it were to occur on private property.

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### Recommendation

Staff is recommending that Council repeal the above reference code for the City of Whiteville and if Council desires to issue safety guidelines for Halloween, do so with a Proclamation signed by the Mayor.

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### Attachments

[Halloween Article 1st Admendment.pdf](#)

[Ord No 2021-O-83 To Repeal Section 85.33 \(Halloween Ordinance\) 10072021.doc](#)

[2021-P-30 Safety Guidelines for Halloween 10072021.docx](#)

[Halloween Survey.pdf](#)