

SPENCER COUNTY, INDIANA
ORDINANCE NUMBER 2025-06
ADDITION OF SECTION 130.04 & AMENDMENT TO SECTION 130.99
(REGISTERED SEX OFFENDER RESTRICTIONS ON HALLOWEEN & PENALTY)

WHEREAS, Spencer County has heretofore adopted and approved its "Code of Ordinances," hereinafter referred to as "Spencer County Code" or "Code" pursuant to the provisions of Ind. Code § 36-1-5-3; and

WHEREAS, as this Code has been enacted, various modifications, corrections, and changes need to be made to the adopted Code; and

WHEREAS, the Spencer County Board of Commissioners (the "Board") is the legislative body of Spencer County pursuant to Ind. Code § 36-1-2-9; and

WHEREAS, Ind. Code § 36-1-3-4 bestows upon Spencer County all powers granted to it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, the Board has determined that it is necessary to implement restrictions and penalties within the Code to protect children and the general public from potential risks posed by registered sex offenders during Halloween;

NOW, THEREFORE, be it established, by Spencer County, Indiana, as follows:

Section 1. Addition of Section 130.04. Section 130.04 (Registered Sex Offender Restrictions on Halloween), of the Spencer County Code shall be added as follows:

§ 130.04 REGISTERED SEX OFFENDER RESTRICTIONS ON HALLOWEEN.

(A) *Purpose*. The purpose of this section is to protect children from the dangers posed by registered sex offenders. The following restrictions impose reasonable time, place, and manner regulations and are rationally related to advance Spencer County's interest in protecting children and the general public.

(B) As used in this section:

(1) **CHILD** or **CHILDREN** means any person(s) under the age of 18.

(2) **REGISTERED SEX OFFENDER** means any person for whom registration is required pursuant to Ind. Code § 11-8-8-8 *et seq.*

(C) *Restrictions on Conduct.* Any sex offender, as defined herein, shall be required, between 12:00 a.m. and 11:59 p.m. of October 31 of each year, or between 12:00 a.m. and 11:59 p.m. on a day officially designated for trick-or-treat if that day is a day other than October 31, to refrain from answering the door or otherwise distributing candy to children who are trick-or-treating.

(D) *Exterior Illumination.* During the hours designated for trick-or-treating on October 31, or on such other date officially designated for trick-or-treat, a registered sex offender shall keep exterior lights customarily used to invite or signal trick-or-treat participation—including porch lights and entryway illumination—turned off. This restriction does not prohibit exterior lighting reasonably necessary for security, safety, or ingress and egress, provided such lighting is not used to attract or invite trick-or-treaters.

Section 2. Amendment to Section 130.99. Section 130.99 (Penalty), of the Spencer County Code shall be amended as follows:

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 130.01(B) shall be subject to a fine not to exceed \$2,500. Any person violating § 130.01(B) shall also be subject to having the firearm or weapon confiscated by the proper law enforcement officials.

(C) Any person violating § 130.02(B) shall be subject to a fine not to exceed \$100.

(D) (1) Any person or entity found in violation for the first time of any provision of § 130.03, as amended from time to time, shall be subject to the penalty imposed for a Class B infraction, as set forth in I.C. 34-28-5-4. Accordingly, § 130.03 shall be enforced by the provisions of I.C. 34-28-5.

(2) Any person or entity found in violation for the second and any subsequent time(s) of any provision of § 130.03, as amended from time to time, shall be subject to the penalty imposed for a Class A infraction, as set forth in I.C. 34-28-5-4. Accordingly, § 130.03 shall be enforced by the provisions of I.C. 34-28-5.

(3) In addition to the foregoing, any person or entity found to be in violation of any provision of § 130.03, as amended from time to time, shall also be responsible for the reasonable costs associated with the enforcement thereof, including, but not limited to, attorney's fees, laboratory fees, expert witness fees, other personnel costs, and court

costs, in any action taken to enforce the provisions of § 130.03, as amended from time to time.

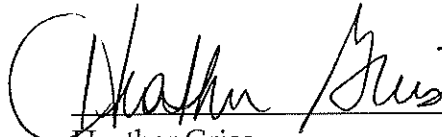
(4) Each violation of any provision contained in § 130.03, as amended from time to time, shall constitute a separate violation.

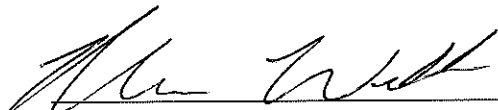
(E) Any person violating § 130.04(C) shall be subject to a fine not exceeding \$500 for the first violation and a fine not exceeding \$1,000 for second and subsequent violations.

Passed and adopted by the Spencer County, Indiana, this 7th day of OCT, 2025.

THE BOARD OF COMMISSIONERS OF
SPENCER COUNTY, INDIANA



Jim Seiler, President


Heather Gries


Malcom "Mac" Webb

ATTEST:

I, the undersigned Auditor of Spencer County, Indiana, do hereby certify that above and foregoing is a full, true, and complete copy of Ordinance No. 2025-06 passed by the Board of Commissioners of Spencer County, Indiana, on the 7th day of OCT, 2025, by a vote of 3 AYES and 0 NAYS and now remains on file and on record in my office.


Melissa Bunner, Auditor

