

It's the Great Pumpkin Quest What Will Halloween Look Like this Year?





Agenda

 Legal Guidance

 Public Health & State Guidance

 Case Studies from New Hampshire



Legal Authority to Regulate Halloween

+ Considerations for the Pandemic

Historical Origins of Municipal Regulation

- 👻 The early 20th Century saw Halloween become a “celebration of mischief.”
- 👻 1920s-1940s saw serious property damage caused, mostly, by rowdy groups of teens, and often included fires, serious damage to homes and cars, and, at times, rioting.
- 👻 In 1950, the U.S. Senate Judiciary Committee recommended Halloween be redesignated “National Youth Honor Day” in order to facilitate a day of celebration of moral fiber and eliminate the dangers of the evening. (It didn’t pass).
- 👻 Violence decreased in the decades after the 40s largely as municipalities put effort into organizing and encouraging alternative activities, particularly trick -or-treating.

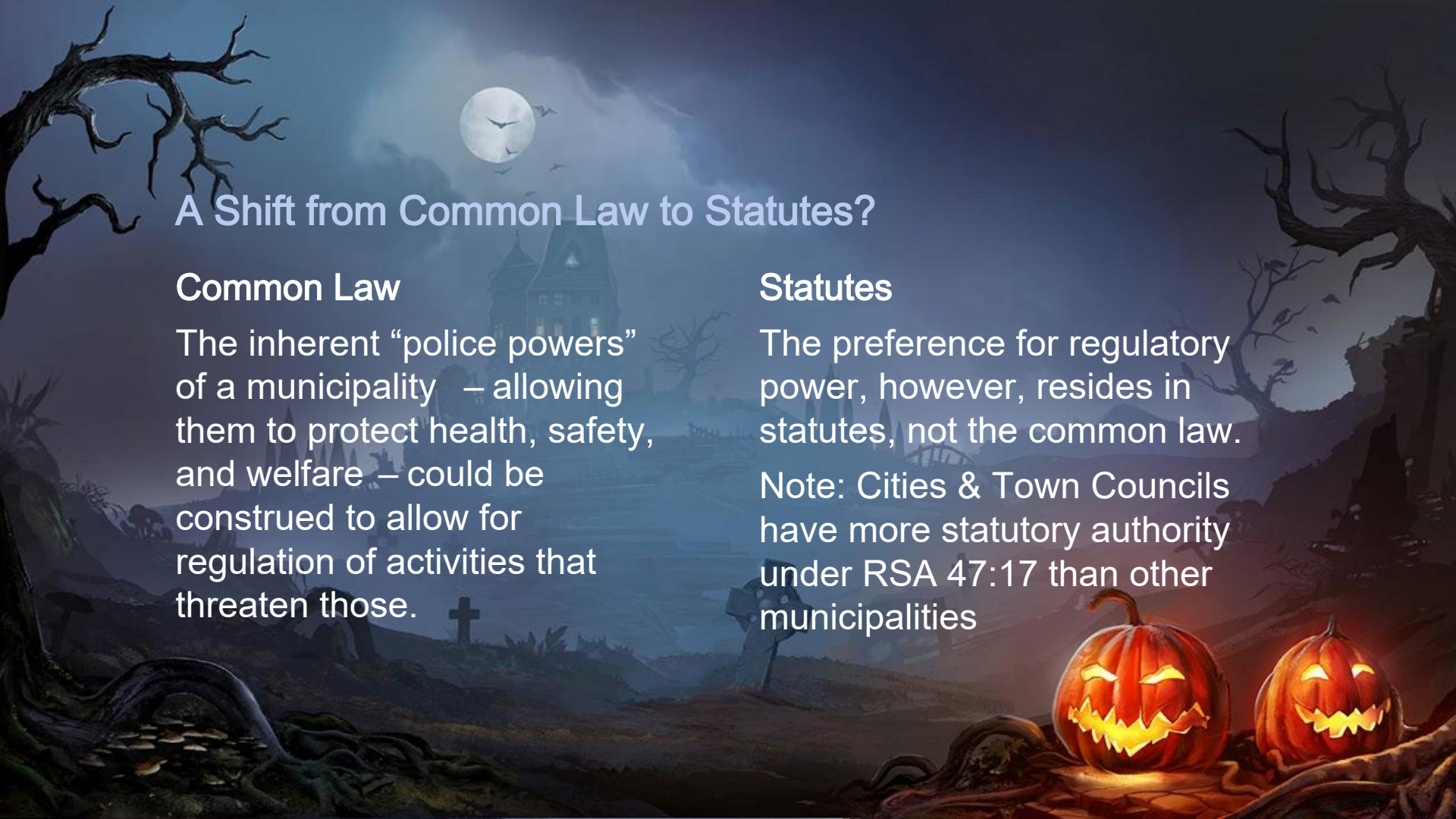
Halloween Jokers Do Much Damage.

Tuesday, October 31st was Halloween, and as usual the practical jokers were very busy after night-fall. At the government school property sidewalks were torn up, gates torn from their hinges and thrown away and much other damage of a similar nature done. Sidewalks in the village were also torn up and distributed about town. This is a practice that should be stopped no matter at what cost, it is usually the younger element, who should be at home in bed, who are the guilty parties, and steps should be taken to see that they or their parents are made to repair the damage done or stand the consequences. In this instance we understand that the names of the guilty parties are known and it quite likely that they will be brought to account for what they seem to think is great fun—the wanton destruction of property.



Trickor-Treat

From the Historical to Today



A Shift from Common Law to Statutes?

Common Law

The inherent “police powers” of a municipality – allowing them to protect health, safety, and welfare – could be construed to allow for regulation of activities that threaten those.

Statutes

The preference for regulatory power, however, resides in statutes, not the common law.

Note: Cities & Town Councils have more statutory authority under RSA 47:17 than other municipalities

Contemporary Trick-or-Treat Rules

- 🎃 Some municipalities set the times of trick -or-treat and become involved in the process by providing municipal resources (e.g. police).
- 🎃 Some municipalities suggest times for trick -or-treat and have varying degrees of involvement.
- 🎃 Some municipalities don't get involved.



RSA 41:11

Incorporates RSA 47:17, VII

Allows governing bodies “to prohibit the rolling of hoops, playing at ball or flying of kites, or **any other amusement or practice** having a **tendency to annoy persons** passing in the streets and sidewalks, or to **frighten teams of horses** within the same.”



BUT!

Be Careful – Authority Has Never Faced Legal Challenge

👻 “Annoy” – *State v. Brobst*, 151 N.H. 420 (2004)

💀 “Certainly the State has a legitimate interest in protecting citizens from the effects of certain types of annoying or alarming telephone calls[.]”

💀 “There are, however, many instances when..one may communicate with another with the possible intention of causing a slight annoyance..that one is legitimately entitled to seek.”



Here comes the Calvary!

'Frightened Horses'

👻 NHMA training often 'modernizes' the statute's reading – focusing on impeding traffic flow.

👻 BUT horses are more subject to fright than drivers.

👻 *Hoebeev. Howe*, 98 N.H. 168 (1953) - Literally a case about whether horses will be frightened by a plane flying 388 feet in the air rather than several hundred feet higher.

👻 Not reasonable to expect that such a case would proceed if it involved a person driving an automobile.

👻 Thousands of cases about frightened horses, and what may frighten them.



RSA 147:1

Health Officer Regulations

- 👤 Regulations must relate to the public health “as in the [health officer’s] judgment the health and safety of the people require.”
- 👤 Regulations take effect when:
 - 👤 Approved by the select board
 - 👤 Recorded by the town clerk,
 - 👤 Published in some newspaper printed in the town or posted in 2 or more public places in the town.

BUT!

Be Careful – Authority Has Never Faced Legal Challenge

- 👤 Most expansive use of RSA 147:1, to date, has been municipal “mask” ordinances.
 - 💀 Targeted to require a specific action in a specific setting where a specific threat exists.
 - 👤 Covid-19 is spread through asymptomatic carriers who have close physical contact with others.
 - 👤 Temperature checks and other “signs” of infection will not be present in asymptomatic individuals.
 - 👤 Only viable, least-restrictive option is widespread mask use.
 - 💀 Halloween-specific ordinance should also follow clearly reasonable steps.
- 👤 Imprecise ordinances more likely to be struck down.

A Halloween-themed background featuring a large white ghost silhouette in the center. The background is a dark, misty landscape with a full moon, a large gnarled tree on the left, and two glowing jack-o'-lanterns in the bottom right corner. In the distance, there is a large, dark building with lit windows and a cemetery with tombstones.

Other Festivities

Look to State Guidance
(Even if Emergency Orders #17 & #40
expressly exclude “local government”)




State Guidance

-  Universal Guidance
-  Fairs & Festivals
-  Road Races

Pay attention to any Halloween -specific guidance.





Remember that even though municipalities don't have to follow state guidance, businesses and private organizations do, so be careful if a non-profit or other organization hosts an event!



Public Health Guidance

Three Main TakeAways (From Any Covid-19 Health Guidance)

 Distance

 Barriers

 Time

Every piece of public health guidance focuses on these three concepts, and the relationship between them.



Things to Remember for Halloween

- 🎃 Halloween Masks are NOT substitutes for CDC recommended face coverings
- 🎃 Trick -or- Treaters (and others) should NOT congregate
- 🎃 If screaming will likely occur, greater distancing is advised
 - 💀 The greater the distance, the lower the risk of spreading a respiratory virus



Masks: A Practical Tip



Mask on Mask

Encourage proper CDC recommended face coverings, even if other masks are an option.

However, remind parents to encourage CDC recommended face covering over Halloween masks where one-or-the-other must be chosen.



Governor's Guidance

Governor's Office

COVID-19:

Stay home if you are not feeling well.

Avoid large gatherings or parties and find ways to trick-or-treat while staying at least 6 feet away from others, including when handing out and accepting treats.

Practice frequent hand cleaning - bring a bottle of alcohol-based hand sanitizer with you while trick-or-treating and use it often.

Nothing is Scier than Spreading COVID-19 this Halloween

- Stay home if you are not feeling well.
- Consider wearing a mask over your nose and mouth when trick-or-treating and handing out treats.
- Avoid large gatherings or parties and find ways to trick-or-treat while staying at least 6 feet away from others, including when handing out and accepting treats
- Practice frequent hand cleaning - bring a bottle of alcohol-based hand sanitizer with you while trick-or-treating, and use it often.

For Motorists

- Drive slowly and stay alert.
- Watch for children walking across the street or at intersections.
- Enter and exit driveways slowly, keep eyes out for children.
- After dark, keep eyes out for trick-or-treaters in dark clothing.
- New or inexperienced drivers should avoid driving after dark on Halloween.

Trick-or-Treating

- Adults should accompany young children while they are out.
- Walk on sidewalks, not the street. Use crosswalks when crossing the street.
- Always travel in familiar, well-lit areas and stay in groups.
- After dark, carry a flashlight or glow stick to increase visibility.
- Phones down, heads up. Be aware of your surroundings.

ReadyNH.gov
TAKE ACTION. BE SAFE.

Dept. of Safety Tips

Halloween Safety Tips

The **Costume**

- Keep costumes short to prevent trips and falls.
- Use make-up instead of a mask. Masks often obstruct a child's vision making tasks like crossing the street and going up and down stairs dangerous.
- Make sure children wear light colors, put reflective tape on their costumes, or carry flashlights and/or glow sticks.

The **Trick or Treating**

- Make sure older children trick-or-treat with friends, never alone. Parents should map out a safe route. Young children should be accompanied by adults.
- Instruct children to stop only at familiar homes where the outside lights are on.
- Remind children not to enter the homes or cars of strangers.
- Follow your communities trick-or-treating hours.
- A good alternative to "Trick or Treating" is for parents to organize parties at home, in schools, or in community centers.

The **Treats**








- Remind children not to eat any of their treats until they get home.
- Parents should check all treats at home in a well-lighted area and dispose of anything that seems to have been tampered with, has been opened, or is not wrapped.
- Remember to also inspect fruits for anything suspicious.

New Hampshire Department of Safety | 33 Hazen Drive | Concord, NH 03305
TDD Access: Relay NH 1-800-735-2964



[Visit NH Department of Safety Website](#)

CDC Halloween Guidance : Low Risk Activities


-  Carving or decorating pumpkins with members of your household and displaying them
-  Carving or decorating pumpkins outside, at a safe distance, with neighbors or friends
-  Decorating your house, apartment, or living space
-  Having a virtual Halloween costume contest
-  Doing a Halloween scavenger hunt where children are given lists of Halloween -themed things to look for while they walk outdoors
-  Having a Halloween movie night with people you live with
-  Having a scavenger hunt -style trick -or-treat search with your household members in or around your home rather than going house to house


Low Risk:


Waiting for the
Great Pumpkin,
Alone, in the
Pumpkin Patch





CDC Halloween Guidance : Medium Risk Activities


 Participating in one-way trick-or-treating where individually wrapped goodie bags are lined up for families to grab while continuing to social distance

 Having a small group, outdoor, open-air costume parade where people are distanced more than 6 feet apart


 Attending a costume party held outdoors where protective masks are used and people can remain more than 6 feet apart


 Going to an open-air, one-way, walk-through haunted forest where appropriate mask use is enforced, and people can remain more than 6 feet apart

 Visiting pumpkin patches or orchards where people practice healthy habits and are able to maintain social distancing


 Having an outdoor Halloween movie night with local family friends with people spaced at least 6 feet apart


CDC Halloween Guidance : High Risk Activities


 Participating in traditional trick-or-treating where treats are handed to children who go door to door

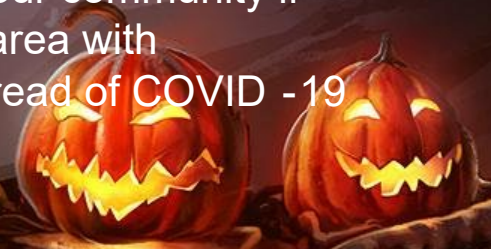
 Having trunk-or-treat where treats are handed out from trunks of cars lined up in large parking lots

 Attending crowded costume parties held indoors

 Going to an indoor haunted house where people may be crowded together and screaming

 Going on hayrides or tractor rides with people who are not in your household

 Traveling to a rural fall festival that is not in your community if you live in an area with community spread of COVID -19





For the musically inclined... High Risk Activities

Boys and girls of every age
Wouldn't you like to see something strange?

Come with us and you will see
This, our town of Halloween

This is Halloween, this is Halloween
Pumpkins scream in the dead of night
This is Halloween, **everybody make a scene**
Trick or treat till the neighbors gonna die of fright
It's our town, **everybody scream**
In this town of Halloween



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Halloween

Many traditional Halloween activities can be high-risk for spreading viruses. There are several safer, alternative ways to participate in Halloween. If you may have COVID-19 or you may have been exposed to someone with COVID-19, you should not participate in in-person Halloween festivities and should not give out candy to trick-or-treaters.

Lower risk activities

These lower risk activities can be safe alternatives:

- Carving or decorating pumpkins with members of your household and displaying them
- Carving or decorating pumpkins outside, at a safe distance, with neighbors or friends
- Decorating your house, apartment, or living space
- Doing a Halloween scavenger hunt where children are given lists of Halloween-themed things to look for while they walk outdoors from house to house admiring Halloween decorations at a distance
- Having a virtual Halloween costume contest
- Having a Halloween movie night with people you live with
- Having a scavenger hunt-style trick-or-treat search with your household members in or around your home rather than going house to house



[Visit Centers for Disease Control Website](#)



Case Studies

How New Hampshire's communities are
approaching the pandemic

Weare

- 🎃 Allowing trick or treating from 5pm – 8pm on 10/31
- 🎃 Town is monitoring the number of active cases to make an informed decision
- 🎃 Town has provided written COVID precautions and following general Halloween rules (i.e. porch light on/off)

🎃 Weare Police Department is sponsoring a contest on who can come up with the most creative and scary way to distribute candy while maintaining social distancing. The only rule is candy must be delivered from 6 feet away.





Candy Slides &
Candy Zip Lines to ensure
physical distancing



Auburn

Trunk or Treat!



Prevent interactions between those at risk
with those who may be infected





North Hampton

Trick or Treat

Friday Oct.30th, 4-7pm



In an effort to maintain Trick or Treat and in the safest way possible during the pandemic, the Town of North Hampton is offering the following safety guidelines

If you do not wish to have your home participate in giving out treats, you may simply dim your lights and even include a sign if you wish. North Hampton Parks and Recreation can email you a sample sign upon request.

Homes who are participating in Trick or Treat should.....

- Only give out wrapped items
- Give out items outside, on a table, keeping 6 foot distance, or behind a storm door and replace treats before each visitor or group
- Not hand treats to children directly
- Put out hand sanitizer

Trick or Treaters who are participating should.....

- Trick or Treat in small groups, preferably with family members only, and within your own neighborhood.
- Avoid large groups and going inside any homes.
- Carry hand sanitizer, gloves are not recommended
- Wear protective masks (this may be a part of a costume if its cloth)

If you are uneasy about getting treats door to door, you can always just provide your own . Then you can still go door to door and hand them out to your own children at each stop.

These guidelines may be adjusted at any time based on updated recommendations from the CDC and/or state . For more information or if you have any questions email jmanzi@northhampton-nh.gov





In Summary

We can all have a creepy and kooky Halloween.
One that's a bit mysterious and spooky,
Maybe one that's even a little bitooky,
If we follow recommendations from the public health family.

Questions?

