

TOWN OF SHERBURNE, VERMONT
PUBLIC INDECENCY ORDINANCE

The Selectboard of the Town of Sherburne hereby ordains:

Section 1. Authority

This ordinance is enacted pursuant to the authority granted the Town to promote the public health, safety, welfare, and convenience contained in 24 VSA § 2291. This ordinance shall be a civil ordinance within the meaning of 24 VSA Chapter 59.

Section 2. Purpose

It is the purpose of this ordinance to regulate public indecency, including public nudity, which is deemed to be a public nuisance.

Section 3. Definitions

“Nudity” shall mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of the covered male genitals in a discernibly turgid state.

“Person” means a natural person, and “entity” means a corporation, partnership, unincorporated association, or other legal entity.

Section 4. Public Indecency

a. No person shall knowingly or intentionally in a public place:

1. engage in sexual intercourse;
2. appear in a state of nudity;
3. fondle his/her genitals; or
4. fondle the genitals of another person.

b. No person or entity who owns, leases or controls property shall knowingly allow any person to engage in the conduct described in subparagraph a. above at any time such property is open to the public.

Section 5. Enforcement

Any person or entity who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. A constable of the Town of Sherburne, the town attorney, town grand juror, and any other designated person under Vermont District Court Civil Rule 80.6(l) shall be authorized to act as an Issuing Municipal Official to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Section 6. Waiver Fee

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person or entity who declines to contest a municipal complaint and pays the waiver fee:

First offense	-	\$150.00
Second offense	-	\$250.00
Third offense	-	\$350.00
Fourth and subsequent offenses	-	\$450.00

Offenses shall be counted on a calendar year basis.

Section 7. Civil Penalties

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	-	\$200.00
Second offense	-	\$300.00
Third offense	-	\$400.00
Fourth and subsequent offenses	-	\$500.00

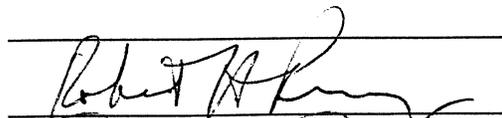
Offenses shall be counted on a calendar year basis.

Section 8. Other Relief

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Sherburne is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Adopted at Sherburne, Vermont this 6TH day of JANUARY, 1997, and to be effective 60 days from this date of adoption as provided in 24 VSA Chapter 59.

Town of Sherburne Selectboard




Received and Recorded
this 7th day of JANUARY, 1997.


Judith Hansen, Town Clerk