

**Public Indecency Ordinance
Town of Stowe, VT**

The Selectboard of the Town of Stowe hereby ordains:

Section I. Authority:

This ordinance is enacted pursuant to the authority granted the Town to promote the health, safety, welfare, and convenience contained in 24 VSA §2291 and Section 203 of the Town of Stowe Charter. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

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

Section III. Definitions: "Nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks with less than full opaque covering, or the showing of the female breast with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state. The definition of "nudity" shall not include a mother in the act of nursing the mother's baby.

Section III. Conduct:

- (1) No person shall knowingly or intentionally in a public place:
 - a. Engage in sexual intercourse;
 - b. Appear in a state of nudity;
 - c. Fondle his/her genitals; or
 - d. Fondle the genitals of another person.
- (2) No person who owns, leases or controls property shall knowingly allow any person to engage in the conduct described in subsection (1) above at any time such property is open to the public.
- (3) Subsection (1) notwithstanding, this section shall not prohibit swimming in a state of nudity in waters of the State of Vermont.

Section IV. Enforcement:

- a. A violation of this ordinance shall be deemed a civil offense, enforceable pursuant to 24 V.S.A. §1974a and §1977 et seq.
- b. Violations of this ordinance shall be punishable as follows:
 1. The first violation shall be punishable by a fine of one hundred dollars (\$100.00). The waiver penalty, for the purposes of the municipal complaint (civil ticket), for the first violation shall be fifty dollars (\$50.00).
 2. The second violation within a six (6) month period after the first violation shall be punishable by a fine of two hundred fifty dollars (\$250.00). The waiver penalty, for the purposes of the municipal complaint (civil ticket), for the second violation shall be one hundred dollars (\$100.00).
 3. The third and subsequent violations within a six (6) month period after the first violation shall be punishable by a fine of three hundred dollars (\$300.00). The waiver penalty, for the purposes of the municipal complaint (civil ticket), for the third and subsequent violations shall be two hundred dollars (\$200.00).
 4. Each day the violation continues shall constitute a separate violation.

- c. Depending on the severity of the violation or the number of incidents the individual has received, the Police may issue a notice of restriction or trespass as a municipal agent. The Police may rescind such notice on their own discretion or as directed by the Town Manager.
- d. All law enforcement officers are authorized to issue a municipal complaint for a violation of this ordinance.
- e. The Selectboard may commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section VI. Severability:

- a. In the event any portion of this Ordinance is found to be invalid or void by a court of competent jurisdiction, the remaining provisions shall continue to be in full force and effect.
- b. This Ordinance may be rescinded by a Town Meeting vote in accordance with the provisions of section 204 (d) of the Charter of the Town of Stowe.

Adopted and effective at Stowe, Vermont this 28th day of July 2014.

Stowe SELECTBOARD

Walter Davis
Ernest K. Kase
[Signature]
[Signature]

Received and Recorded
this _____ day of _____, 2014.

_____, Town Clerk