

TOWN OF SWANTON

PUBLIC INDECENCY ORDINANCE

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 V.S.A. § 2291. This ordinance shall be a civil ordinance with the meaning of 24 V.S.A. 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 covered male genitals in a discernibly turgid state.

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 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 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. Police Officers certified by the State of Vermont shall be authorized to act as Issuing Municipal Officials 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 who declines to contest a municipal complaint and pays the waiver fee:

First offense -	\$50
Second offense -	\$125
Third offense -	\$200
Fourth offense -	\$275
Fifth and subsequent Offenses -	\$350

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 -	\$100
Second offense -	\$200
Third offense -	\$300
Fourth offense -	\$400
Fifth and subsequent Offenses -	\$500

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 Selectboard is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

This ordinance is hereby entered in the minutes of the Selectmen of the Town of Swanton and shall be posted in at least five conspicuous places within the Town of Swanton.

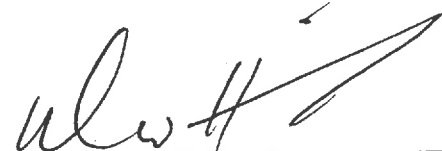
Furthermore, a summary of it shall be published in the St. Albans Messenger within fourteen days of this date of adoption. Unless a petition is filed pursuant to 24 V.S.A.

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Section 1973 is filed, this ordinance shall become effective sixty days after this date of adoption. If such petition is filed, this ordinance, shall become effective at the conclusion of the meeting called for that purpose.

Adopted at Swanton, Vermont this 10th day of **March, 2003.**

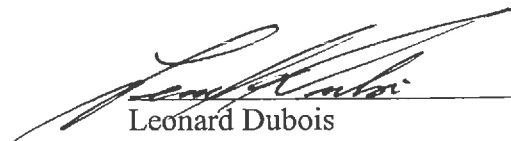
SWANTON TOWN SELECTBOARD



Mark W. Hojaboom



Harold Garrett



Leonard Dubois

I hereby certify that the foregoing ordinance was posted in five (5) public places in the Town of Swanton on the 11th day of March, 2003 to wit: Town Clerk's Office, Zoning and Planning Office, Swanton Post Office, Chittenden Bank and Grand Union and was published in the St. Albans Messenger, a newspaper having general circulation in the Town of Swanton on the 14th day of March, 2003, and was recorded in the Ordinance Records of the Town of Swanton on the _____ day of _____, 2003.

ATTEST _____
Doris H. Raleigh, Town Clerk