

ARTICLE 0807.12 PUBLIC INDECENCY ORDINANCE

The Selectboard of Morristown hereby ordains:

Section I: 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 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 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 discernible turgid state.

Section IV: 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 V: 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 of the Town of Morristown shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Section VI: Waiver Fee

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

fee:

| | |
|----------------------------------|-------|
| First offense | \$ 50 |
| Second offense | \$125 |
| Third offense | \$200 |
| Fourth offense | \$275 |
| Fifth & subsequent offenses..... | \$350 |

Offenses shall be counted on a calendar year basis.

Section VII: 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 & subsequent offenses..... | \$500 |

Offenses shall be counted on a calendar year basis.

Section VIII: Other Relief

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Morristown 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 Morristown, Vermont December 15, 1997
Posted and Published December 29, 1997
Effective Date February 13, 1998

Morristown Selectboard

Brian R. Greenia, Chair
Lee Sturtevant
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