

Town of Mendon
Public Indecency Ordinance

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 V.S.A. §2291, as amended. This ordinance shall be a civil ordinance, pursuant to 24 V.S.A. §1971, as amended.

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

- A. "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. A woman breastfeeding her child, irrespective of whether her breast is covered, shall not be considered in a state of nudity.
- B. "Public Place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities used by any religious, social, fraternal or similar organization. Premises used solely as a private residence whether permanent or temporary in nature shall not be deemed a public place. Public place shall not include enclosed single sex public restrooms, enclosed single-sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals and similar places where nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor shall it include a person appearing in a state of nudity, in a modeling class operated by: (1) a proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation or an accredited private college.
- C. "Person" means a natural person, and "Entity" means a corporation, partnership, unincorporated association, or other legal entity.

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;
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 V - 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 such violation continues. A constable of the Town of Mendon or any other designated person under Vermont District Court Civil Rule 80.6(l) shall be authorized to act as an Issuing Municipal Officer to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

SECTION VI - WAIVER FEES

An Issuing Municipal Officer 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 offence	\$150.00
Second offence	\$250.00
Third offence	\$350.00
Fourth and subsequent offences	\$450.00

Offences shall be counted on a calendar year basis.

SECTION VII - CIVIL PENALTIES

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

First offence	\$200.00
Second offence	\$300.00
Third offence	\$400.00
Fourth and subsequent offences	\$500.00

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

Adopted at Mendon, Vermont this 11th day of MAY, 1998, and to be effective 60 days from this date of adoption as provided in 24 V.S.A. §1972 & §1973, as amended.

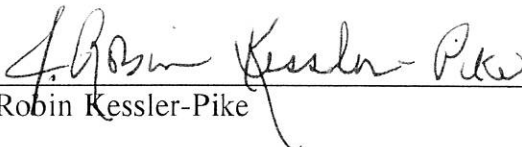
Board of Selectmen



J. Cortland Jones



Michael Barone



Robin Kessler-Pike