GEORGIA VERMONT

TOWN OF GEORGIA, VERMONT

PUBLIC INDECENCY ORDINANCE

DRAFT FOR SELECTBOARD REVIEW

The Selectboard of the Town of Georgia hereby ordains as follows:

SECTION 1. AUTHORITY

This Ordinance is enacted pursuant to the authority granted to the Town of Georgia to promote the public health, safety, welfare, and convenience under 24 V.S.A. § 2291, including § 2291(14), and other applicable law. This Ordinance is a civil ordinance within the meaning of 24 V.S.A. chapter 59.

SECTION 2. PURPOSE

The purpose of this Ordinance is to regulate public indecency, including public nudity, which is declared to be a public nuisance, while recognizing conduct that is private, lawful, or expressly excepted below.

SECTION 3. DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings stated below:

"Public indecent exposure" means the intentional exposure or display of intimate body parts—such as the genitals, pubic area, or buttocks.

"Issuing Municipal Official" means a law enforcement officer or any other person designated by the Selectboard to issue and prosecute municipal complaints for violations of this Ordinance.

"Public place" means any place, facility, premises, or property, whether publicly or privately owned, that is open or accessible to the general public. A private residence, and any place where an individual would not reasonably be expected to be observed by members of the public or where nudity is necessarily and customarily expected, is not a public place for purposes of this Ordinance.

SECTION 4. PUBLIC INDECENCY

No person shall knowingly or intentionally, in a public placeengage in public indecent exposure.

A violation of this section does not require open and gross lewdness as required under 13 V.S.A. §2601a.

SECTION 5. ENFORCEMENT

A violation of this Ordinance is a civil offense enforceable pursuant to 24 V.S.A. §§ 1974a and 1977 et seq.

1. Each day that a violation is committed or continues constitutes a separate violation.

2. Issuing Municipal Officials are authorized to issue and pursue before the Vermont Judicial Bureau a municipal complaint for a violation of this Ordinance.

SECTION 6. WAIVER FEES

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, from a person who declines to contest a municipal complaint and pays the applicable waiver fee:

Offense	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 the following civil penalties for each violation:

Offense	Civil penalty
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 enforcement procedures available before the Vermont Judicial Bureau, the Selectboard or its authorized agent may commence a civil action to obtain injunctive or other appropriate relief, or pursue any other remedy authorized by law.

SECTION 9. SEVERABILITY

If any provision of this Ordinance, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect 60 days after adoption by the Selectboard, unless a petition is filed in accordance with 24 V.S.A. § 1973 or the Selectboard specifies a later effective date consistent with law.

SECTION 11. ADOPTION

Adopted by the Selectboard of the Town of Georgia, Vermont, on the _____ day of _____, 20____.

_____
Selectboard Member

_____
Selectboard Member

_____
Selectboard Member

_____
Selectboard Member

_____
Selectboard Member

ATTEST:

_____
Town Clerk Date

SECTION 12. ADOPTION HISTORY

The Town Clerk may complete this record as each action occurs:

Action	Date / Record
First Reading / Initial Consideration	Held at a regular Selectboard meeting on _____.
Adoption	Adopted at a Selectboard meeting on _____ and entered in the minutes approved on _____.
Public Posting	Posted in at least five conspicuous places within the Town on _____.
Notice of Adoption	Published in _____ on _____.
Recording	Recorded in the Town's municipal records on _____, Book _____, Pages _____–_____.
Effective Date	Effective on _____, subject to 24 V.S.A. §§ 1972–1973.

CLERK'S CERTIFICATION

I certify that the foregoing is a true and correct record of the adoption, publication, posting, and recording of this Ordinance.

_____ _____

Town Clerk Date