

**TOWN OF WILLISTON**

**PUBLIC INDECENCY ORDINANCE**

The Selectboard of the Town of Williston hereby ordains:

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 within 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 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. The inadvertent showing of the female breast with less than a fully opaque covering of any portion of the nipple by a women engaged in the feeding of an infant child shall not constitute nudity within the meaning of this definition.

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

Adopted June 13, 1996

Adopted at Williston, Vermont this 13 day of June, 1996, and to be effective sixty (60) days from this date of adoption.

WILLISTON SELECTBOARD

Richard Gordon  
Virginia  
Robert  
Michael  
John A. Keins

Received and Recorded  
this 20<sup>th</sup> day of June, 1996.

Arlene H. Degee  
Williston Town Clerk

Ordinance Book 3 pages 394-399

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