

**Town of Fairfield  
Public Indecency Ordinance**

**1. Purpose and Authority**

This Ordinance is enacted under the authority granted the Town of Fairfield to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. §2291. The purpose of this Ordinance is to regulate public indecency, including public nudity, which is deemed to constitute a public nuisance under 24 V.S.A. §2291(14). The Selectboard of the Town of Fairfield finds that regulation of public nudity and the other public conduct addressed in this Ordinance is necessary to ensure that the negative secondary effects of such activities and behaviors will not adversely impact the health, safety, and welfare of the residents of the Town of Fairfield. This Ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

**2. 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. The showing of the female breast or any portion of the nipple in the act of breastfeeding an infant child does not constitute nudity.

**3. 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.

**4. Enforcement**

A. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 for each violation. Each day the violation continues shall constitute a separate offense. Any law enforcement officer shall be authorized to act as an Issuing Municipal Official to issue and pursue before the Judicial Bureau a municipal complaint.

**5. Civil Penalty; Waiver Fee**

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

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth and subsequent offenses	\$800

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	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth and subsequent offenses	\$700

### 6. Other Relief

In addition to the enforcement procedures available before the Judicial Bureau, the Town may commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

### 7. Severability

If any portion of this Ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this Ordinance.

Adopted at Fairfield, Vermont, this 10 day of June, 2024.

### SELECTBOARD

Tom Howryan, Chair  
Dawn Ryan  
Paul Booth  
Bryan Tufi  
[Signature]