



Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Aug 21, 2025 04:30 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from July 17
Meeting	August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes
Department	Council and Board

Type

Recommended Action

3. Public Forum

Subject

3.1. Verbal Comments

Meeting

August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

3. Public Forum

Department

Council and Board

Type

4. Reporting Incentives Ordinance Discussion

Subject

4.1. Reporting Incentives Ordinance Discussion

Meeting

August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

4. Reporting Incentives Ordinance Discussion

Department

Council and Board

Type

Recommended Action

5. Indecent Exposure Ordinance Discussion

Subject

5.1. Indecent Exposure Ordinance Discussion

Meeting

August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

5. Indecent Exposure Ordinance Discussion

Department

Council and Board

Type

Recommended Action

6. Any Other Committee Business

Subject

6.1. Any Other Committee Business

Meeting

August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

6. Any Other Committee Business

Department

Council and Board

Type

Recommended Action

7. Adjournment

Subject	7.1. Motion to adjourn
Meeting	August 21, 2025 - Ordinance Committee Agenda - Thursday, August 21, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	7. Adjournment
Department	Council and Board
Type	
Recommended Action	

Ordinance Committee
Thursday, July 17, 2025
Bushor Conference Room Conference Room
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter, Councilor Kane

Staff Present: Jessica Brown (City Attorney) Kim Sturtevant (Assistant City Attorney), Emmett Wood (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney)

Public Present: Sharon Bushor, Kelly Devine

Meeting called to order at 4:37 PM.

1. Adopt the Agenda
1.1 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from June 18

Motion to adopt the draft minutes from June 18 as drafted.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Kelly Devine said she is concerned with a higher gross receipts tax due to a decrease in business among Burlington businesses. She said there is competition with neighboring towns for restaurants along with issues with downtown. She said taxing consumption could backfire. There is an expected drop in Canadian tourism as well. The City should not increase consumption taxes.

Sharon Bushor said having the City Circle be automatically criminal is a step up from the current policy. She said other ordinance violations start at civil and then become criminal if ignored and that is how she would like the Circle to work. She said the ordinance could reference which ordinances could be civil or criminal. She said the evaluation of the gross receipts tax should be in December 2025 instead of later. She said all 9% of the STR tax should go to the housing trust fund.

4. Gross Receipts Ordinance Discussion

Attorney Ramakrishnan shared the draft gross receipts ordinance that is posted to the agenda packet on CivicClerk.

Councilor Bergman said he would like to see revenue projections before approving any changes.

Councilor Carpenter said she is fine with making the decision for FY26 but it should be looked at in FY27.

Councilor Barlow said he opposes the increase given the state of business downtown. He said he could support the increase if money was earmarked for business support.

Councilor Kane said he supports making the tax permanent and using that money to provide more services. He said no one has said taxes are the main factor in decreased business downtown it is other issues instead.

Councilor Bergman said he likes the idea of an earlier evaluation and agrees with Councilor Kane that taxes are not the main issue for businesses downtown.

Attorney Ramakrishnan said the draft ordinance needs to be updated to include both a start and end date for FY26. He then gave a brief overview of the historical practices of the STR tax and the proposals to alter it.

Councilor Carpenter said the original intent of the STR tax was to put all 9% toward the Housing Trust Fund (HTF).

Councilor Barlow said that, starting in FY27, the entire 9% should go to the HTF.

Councilor Bergman said he supports referring back the draft ordinance that was drafted by Councilor Traverse.

Councilor Kane said he does not support the 2% going to the General Fund.

Attorney Ramakrishnan gave a brief overview of the inconsistencies with the meals tax and the proposal to align the tax with state statute.

Motion to refer back to the full City Council the draft changes proposed by Councilor Traverse and the draft proposed language that ratifies the current use of 2% of the STR tax and defers the permanent change to the STR tax.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

5. City Circle Ordinance Discussion

City Attorney Brown shared the draft City Circle Ordinance that is available in the agenda packet on CivicClerk.

Attorney Brown clarified that someone would know whether the violation was civil or criminal and failure to attend a civil violation Circle would result in a referral to the Judicial Bureau as is the current practice for civil violations.

Councilor Bergman said the recent changes address the issues brought up previously by the public.

Attorney Brown said that BPD Chief Burke said that officers are looking forward to having a piece of paper to give out that will give directions and explains the process.

Councilor Barlow said he is supportive and is looking forward to having this program be successful. He added that he would like data to be collected to continue to improve the processes.

Motion to refer back to the full City Council the draft ordinance with a recommendation for adoption.

Motion by Councilor Carpenter, Seconded by Councilor Barlow.

Final Resolution: Motion Passes

Yes: Unanimous

6. Any Other Committee Business

The next ordinance committee meeting is scheduled for August 21 at 4:30 PM.

7. Adjournment

The meeting was adjourned at 6:22 PM.

Resolution Relating to

ESTABLISHING A VIOLATION REPORTING
INCENTIVIZATION PILOT (VRIP)

RESOLUTION 8.11

Sponsor(s): Councilors Litwin,
McKnight, Traverse, Carpenter,
Shannon, Barlow
Introduced: 01/27/2025
Referred to: _____
Action: Adopted
Date: 01/27/2025
Signed by Mayor: 01/29/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, on December 9, 2024, the Burlington City Council amended Chapter 21, Section 1,
2 Article 29, paragraph (e) of the Burlington Code of Ordinances to maintain and advertise an electronic means
3 for the public to submit evidence of violations of the graffiti/public nuisance section; and
4 WHEREAS, in addition to this action, the Burlington City Council tasked its Ordinance Committee to
5 work in collaboration with the City Attorney’s Office and other interested parties to continue reviewing the
6 feasibility of enhanced graffiti enforcement mechanisms that are constitutionally appropriate and comport with
7 other applicable laws; and
8 WHEREAS, due to staffing and resource shortages, the City of Burlington does not have capacity to
9 timely investigate and enforce all municipal ordinance violations, including, but not limited to, those involving
10 graffiti, illegal camping, and other public nuisances; and
11 WHEREAS, in 2018, the New York City Council enacted law 717-A, an idling-reduction law, and
12 specifically incentivized residents to report idling violations through a financial reward equal to 25% of the
13 total fines collected for cited violations;¹ and.
14 WHEREAS, the City of Los Angeles, California enables community members to report graffiti, illegal
15 dumping in return for a financial reward;² and

¹ “A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for idling infractions and enforcement through citizen complaints” Helen K. Rosenthal, Donovan J. Richards, Margaret S. Chin, Costa G. Constantinides, Mark Levine, Annabel Palma, Robert E. Cornegy, Jr., Antonio Reynoso, Karen Koslowitz, Carlos Menchaca, Brad S. Lander, I. Daneek Miller, *New York City Council, File #: Int 0717-2015* (2018). *Key summary: Law proposed by New York City (NY) city council in 2015 to require reporting on idling complaints as well as increase the incentive for citizen enforcement of idling complaints.* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2240465&GUID=2FDAF985-586E-4902-9918-BC683FAACFE8&Options=ID7cText%7c&Search=IDLI%NG>
² “Chapter 12 Payment of Special Rewards” *Los Angeles Charter and Administrative Code*, https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-45493

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Approved....., 20.....

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WHEREAS, Houston (TX)³, San Diego and Los Angeles (CA)⁴, and Phoenix (AZ)⁵ all offer cash rewards of \$500+ for reporting graffiti offenders that lead to a successful conviction, usually through online systems or 311; and

WHEREAS, Houston (TX)⁴, and New Orleans (LA)⁶ similarly have various financially incentivized reporting programs designed to assist the city with the task of enforcing ordinances related to various forms of public blight; and

WHEREAS, for local governments and organizations, offering financial incentives can be a cost-effective way to achieve larger social goals, such as reducing crime or improving public spaces⁷; and

WHEREAS, financial incentivization is a well-tested method for increased public engagement, especially in the field of public health⁸, and provides both outlets for those who are passionate about a particular public concern and rewards that can increasingly motivate resident participation in upholding our community standards⁹;

NOW, THEREFORE, BE IT RESOLVED that in considering options for enhanced enforcement mechanisms pursuant to the City Council's directive of December 9, 2024, the Ordinance Committee shall consider and submit ordinance language to the Council to establish a Violation Reporting Incentivization Pilot (VRIP) program in order to increase evidence gathering and reporting for specific ordinance violations using

³ "Wiping Out Graffiti in Houston" *City of Houston TX*, <https://www.houstontx.gov/graffiti/teamingup.html>

⁴ "Spray and Pay Graffiti Rewards Program" *San Diego.gov*, <https://www.sandiego.gov/street-div/services/graffiti/rewards>

⁵ Twitter Post: "Graffiti Free Phoenix", *City of Phoenix, AZ @CityofPhoenixAZ* (02-01-2019), <https://x.com/CityofPhoenixAZ/status/1091365658858786819>

⁶ "Chapter 66, Article V: Nuisance, Division 2, 66-283", *New Orleans City Code*, https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH66EN_ARTVNU_DIV2LI_S66-283REILLIDU

⁷ "Financial Incentives for Whistleblowers: A Short Survey" Giancarlo Spagnolo, Theo Nyneröd, Stockholm Institute of Transition Economics (SITE), SITE Working Paper No. 50, <https://www.econstor.eu/bitstream/10419/249245/1/hasite0050-1.pdf> *Note: While this paper focuses on various forms of corporate or tax crime, the principles are arguably the same. The authors found that, "...if competently designed and properly administered - these programs are very effective at increasing detection and sanctions against corporate fraud, and most importantly at deterring firms from engaging in fraudulent behaviour in the first place. In terms of administration costs, a simple back-of-the-envelope calculation suggests that these programs are also largely self-financing, thereby also saving law enforcement costs."*

⁸ "The Impacts of Financial Incentives on Service Engagement Among Adults Experiencing Homelessness and Mental Illness: A Pragmatic Trial Protocol." Nadine Reid, Rosane Nisenbaum, Stephen H Hwang, Anna Durbin, Nicole Kozloff, Ri Wang, Vicky Stergiopolous," *Frontiers in Psychiatry* (2021, Aug. 3): <https://pmc.ncbi.nlm.nih.gov/articles/PMC8369574/>

⁹ "You can now make thousands of dollars reporting on idling vehicles in NYC" Lee Doyle and Alex Lubben, *Vice News* (2019). <https://www.vice.com/en/article/you-can-now-make-thousands-of-dollars-reporting-on-idling-vehicles-in-nyc/> *Key summary: Article summarizes interviews from several NYC residents who are compelled to report idling vehicles in the city thanks to the new incentive program, as well as for personal reasons that include environmentalism, and improving public health and safety.*

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Approved....., 20.....

..... Mayor

Vol. Page

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financial incentivization mechanisms, and the Ordinance Committee shall report back to the City Council on its review along with any recommended ordinance language on or before March 24, 2025; and

BE IT FURTHER RESOLVED that in their review the Ordinance Committee, with consultation from the City Attorney's Office, shall make recommendations for the set amounts or fine percentages that reporters can receive and what would qualify them to receive those funds; and

BE IT FURTHER RESOLVED that any VRIP pilot shall be limited in scope for at least 12 months and may only include the ordinances that address the following: 1) graffiti and defacement or destruction of public property, 2) certain parking violations such as unauthorized usage of handicapped or emergency spots, bus stop violations, bike lane violations, or vehicles that would cause pedestrians to be obstructed from passing or pose an ADA violation; and 3) littering and illegal dumping. The Council authorizes the Ordinance Committee to make proposals beyond this but cautions the Committee to keep any VRIP narrowly tailored and limited in scope to help with future assessment and evaluation; and

BE IT FURTHER RESOLVED that the City Council encourages the Ordinance Committee to also update the City's graffiti definitions to improve the public's understanding of what would and would not fall under that definition.

BE IT FURTHER RESOLVED that the Community Justice Center staff and Board, with consultation from the City Attorney's Office, shall analyze the feasibility of and provide recommendations to the Council on what resources are needed from the City in order to require that those found responsible for violating the graffiti or illegal dumping ordinance engaged in graffiti or related cleanup on public property within the City of Burlington in order to repair financial and communal harms directly to the victim. If the infrastructure and resources are already in place, the Community Justice Center staff and Board should provide to the Council recommendations for what obstructions may exist that the Council should consider and address. They must provide their findings and recommendations to the City Council and Ordinance Committee by March 10, 2025. This should be reviewed by the City Attorney's Office prior to coming before the Council; and

BE IT FURTHER RESOLVED that the Council should commission further study and analysis after 12 months of enacting this policy and provide recommendations for the pilot's future to the Council; and

BE IT FURTHER RESOLVED that the City should establish a mechanism for the public to submit feedback on the pilot throughout the 12-month period, which may be integrated into the previously approved reporting platform or method; and

* * * * *

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..... Mayor

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61 BE IT FURTHER RESOLVED that in any language recommended for the VRIP pilot, the Ordinance
62 Committee shall ensure reports made using the city-established protocols allow for the protection of any
63 reporter's identity to the extent permitted under all applicable federal, State, and municipal laws.

64
65 EL/Resolutions 2025/*Establishing a Violation Reporting Incentivization Pilot (VRIP)*
66 1/23/25

* * * * *

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RESOLUTION RELATING TO

ESTABLISHING A VIOLATION REPORTING
INCENTIVIZING PILOT (VRIP)

Adopted by the City Council

January 27, 2025

[Signature] Clerk

Approved Jan 29, 2025

[Signature] Mayor

Attest:
[Signature]
Lori Olberg
Licensing and Records Coordinator

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* * * * *

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

stages of passage:

ORDINANCE CODE VIOLATION REPORTING INCENTIVES

ORDINANCE _____

Sponsor: (Department or Councilor) _____

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 1, General Provisions, of the Code of Ordinances of the City of Burlington be and hereby is
2 amended by amending Sec. 11, thereof to read as follows:

3
4 (a) All fines and penalties for the violation of any ordinance or the order of any board lawfully established
5 thereunder, or the order of any person who has been given lawful authority to issue such order, or the order
6 of the mayor or city council, shall, when recovered, inure to the city, and be paid into the city treasury, unless
7 otherwise directed by the laws of the state or the ordinances of the city.

8 (b) Annually, as part of the city council's budget resolution, the city council may appropriate not more than
9 twenty-five percent (25%) of all fines and penalties collected pursuant to subsection (a) of this section
10 (exclusive of any deductions made by the judiciary or any other public agency responsible for collecting
11 such fines or penalties, and exclusive of any administrative fees to any public agency or other third party the
12 city may be required by law to pay out of any fines or penalties collected by it), to a special fund for the
13 purposes described in subsection (c) of this section.

14 (c) Subject to subsection (d) of this section, the chief of police may, by publication once in a newspaper of
15 general circulation and on the police department's website, offer a reward for any material information that
16 leads to the apprehension of any person who has violated this code and to successful prosecution of the
17 violation. The chief of police may terminate any such offer at any time following the same procedure. Any
18 such offer of reward shall be described as being conditioned on the provisions of this section.

19 (d) No offer of reward pursuant to subsection (c) of this section shall be issued by the chief of police unless:

20 _____ (1) The chief of police finds that adequate funds exist in the fund created pursuant to subsection (b)
21 of this section to warrant making the offer;

22 (2) The chief of police finds that making the offer is necessary or convenient to the efficient
23 administration of justice;

24 (3) The mayor concurs in the chief of police's findings; and

25 (4) The offer of reward applies broadly to one of the following: any violation of this ordinance code;
26 any violation of a specific provision or class of provisions of this ordinance code; or a specific violation of
27 this ordinance code resulting in substantial damage to public or private property, serious bodily injury to any
28 person, or the death of any person.

29 (e) The maximum amount of any offer of reward shall be one hundred dollars and no cents (\$100.00) per
30 informant per violation. The city shall have no obligation to pay a reward to any individual unless the chief
31 of police reasonably determines that the information supplied by that individual was material to both the
32 apprehension of the violator and to the successful prosecution of the violation. The city also shall have no
33 obligation to pay a reward unless and until adequate funds exist in the fund created pursuant to subsection (b)
34 of this section. Rewards shall be paid out of the fund in priority first based on the date the relevant code
35 violation was successfully prosecuted, and second based on the date the individual first provided information
36 to the city.

37 (f) This section is enacted solely in the public interest, and nothing herein is intended to establish a contract
38 with any individual who might claim a reward hereunder.

39 (g) As used in this section, the following terms have the following meanings:

40 (1) "Apprehended" means ticketed, arrested, or otherwise brought within the lawful jurisdiction of
41 the Judicial Bureau or the Superior Court. Apprehended also means the issuance of a parking citation.

42 (2) "Material" means that at the time the relevant information was provided, city employees had not
43 yet discovered the information on their own, and without the information, it is unlikely that the violator
44 would have been apprehended and successfully prosecuted.

45 (3) "Successfully prosecuted" means that the violator has voluntarily paid any penalty or fine without
46 contesting it, or that a final judgment or order of the court has been issued finding the person guilty of the
47 violation alleged.

(h) Unless this subsection is sooner repealed by the city council, subsections (b) to (h) of this section shall be automatically repealed at the end of the second fiscal year commencing after the date of the final adoption by the city council of the ordinance originally adding this subsection. Upon the automatic repeal of subsections (b) to (h), subsection (a) shall cease to be denominated as subsection (a), and shall instead constitute the entirety of this section.

* Material stricken out deleted.

** Material underlined added.

ER/Ordinances 2025/*Violation reporting incentives*

Date

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

PROHIBITING INDECENT EXPOSURE

ORDINANCE _____
Sponsor: *Traverse*
Public Hearing Dates: _____

First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That WHEREAS, indecent public exposure invades the privacy of members of the public who are
2 unwillingly or unexpectedly exposed to such conduct and: (1) unreasonably interferes with the rights of all
3 persons to use and enjoy the streets, sidewalks, and other public places; (2) creates a public safety hazard by
4 creating distractions, obstructions, and crowds that interfere with the safety and free flow of pedestrian and
5 vehicular traffic; and (3) discourages members of the public from visiting or living in areas where such
6 conduct occurs; and

7 WHEREAS, law enforcement officials in Burlington are currently limited to addressing indecent
8 public exposure only when it rises to the level of open and gross lewdness under 13 V.S.A. § 2601a; and

9 WHEREAS, a number of municipalities around Vermont have stood up broader public protections
10 from indecent exposure; and

11 WHEREAS, in recent years, there have been multiple reported incidents of indecent public exposure,
12 including in public areas around our schools;

13 NOW, THEREFORE, BE IT RESOLVED that Chapter 21, Offenses and Miscellaneous Provisions,
14 of the Code of Ordinances of the City of Burlington be and hereby is amended by adding Section 21-25 to
15 read as follows:

21-25 Public indecent exposure.

16
17
18
19 (a) Authority. This section is enacted pursuant to the specific authority granted municipalities under 24
20 V.S.A. § 2291 to promote public health, safety, welfare, and convenience. It is the purpose of this
21 article to regulate public indecent exposure, which is deemed to be a public nuisance.

22
23 (a)-Definition. "Public indecent exposure" is defined as

~~(b)-~~

~~(b) a person exposing their genitals or anal region on any street, sidewalk, or other public place.~~

~~(c) *Unlawful Acts Prohibited.* No person shall knowingly or intentionally engage in public indecent exposure. A violation of this section does not require open and gross lewdness as required under 13 V.S.A. § 2601a.~~

~~(e)(d) *Enforcement.* A person who violates this section commits a first offense of indecent exposure punishable by a civil penalty of one hundred dollars (\$100.00) (with a waiver penalty of fifty dollars (\$50.00)) for the first offense. A person will be considered to have committed a second offense if it occurs less than six (6) months after a first offense, punishable by a civil penalty of ~~of~~ \$200.00 (with a waiver penalty of one hundred dollars (\$100.00)) A person will be considered to have committed a third offense if it occurs less than six (6) months after a second offense, which is a criminal offense, pursuant to 24 V.S.A. § 1974, punishable by a criminal penalty of five hundred dollars (\$500.00). Any charges or citations shall be dismissed and the associated penalties shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.~~

~~(e) *Exceptions.*~~

~~i. The provisions of this section shall not apply to any person under the age of five years.~~

~~i.ii. This section shall not supersede or otherwise affect existing laws regulating nudity under the Burlington Code of Ordinances or Rules and Regulations of the Burlington Parks and Recreation Department.~~

Chapter 7

Public Indecency Ordinance¹

§ 3701. Authority.

This ordinance is enacted pursuant to the authority granted the city to promote the public health, safety, welfare and convenience contained in 24 V.S.A. § 2291, and 3-1 of the revised charter of the City of Rutland. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. chapter 59.

§ 3702. Purpose.

It is the purpose of this ordinance to regulate public indecency, including public nudity, which is deemed to be a public nuisance.

§ 3703. 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 utilized by any religious, social, fraternal or similar organizations. 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 in which 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.

§ 3704. Public Indecency.

1. Editor's Note: This Chapter Was Previously Included As Chapter 6 Of This Title But Was Renumbered To Accommodate The Movement Of The Above Sections Into Chapter 6.

- (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.

§ 3705. 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 City of Rutland shall be authorized to act as issuing municipal officials to issue and pursue before the traffic and municipal ordinance bureau a municipal complaint.

§ 3706. Waiver Fee.

- (a) 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:

Offense	Waiver Fee
First offense	\$50
Second offense	\$125
Third offense	\$200
Fourth offense	\$275
Fifth and subsequent offenses	\$350

- (b) Offenses shall be counted on a calendar year basis.

§ 3707. Civil Penalties.

- (a) An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

Offense	Civil Penalty
First offense	\$100
Second offense	\$200

Offense	Civil Penalty
Third offense	\$300
Fourth offense	\$400
Fifth and subsequent offenses	\$500

(b) Offenses shall be calculated on a calendar year basis.

§ 3708. Other Relief.

In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the City of Rutland is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

ARTICLE III. PUBLIC INDECENCY

Sec. 20-54. Purpose and authority.

The ordinance from which this article is derived is enacted pursuant to the authority granted the city to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. § 2291, and section 13-104 of the Charter. It is the purpose of this article to regulate public indecency, including public nudity, which is deemed to be a public nuisance. The ordinance from which this article is derived shall be a civil ordinance within the meaning of 24 V.S.A. ch. 59.

(Ord. of 4-26-1995, §§ 1, 2; Ord. of 10-19-2015(5), § 1)

Sec. 20-55. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nudity means 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.

(Ord. of 4-26-1995, § 3; Ord. of 10-19-2015(5), § 2)

Sec. 20-56. Unlawful acts prohibited.

- (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 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 subsection (a) of this section at any time such property is open to the public.

(Ord. of 4-26-1995, § 4; Ord. of 10-19-2015(5), § 3)

Sec. 20-57. Enforcement.

- (a) Any person who violates a provision of this article shall be subject to a violation which shall be punishable as a civil violation pursuant to section 1-14.
- (b) Each day the violation continues shall constitute a separate offense.
- (c) Police officers of the city shall be authorized to act as issuing municipal officials to issue and pursue before the judicial bureau a municipal complaint. A municipal complaint may, at the discretion of the issuing

municipal official, be dismissed upon the successful completion of a reparative justice program through the city community justice center.

(Ord. of 4-26-1995, § 5; Ord. of 10-19-2015(5), § 4)

Sec. 20-58. 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:

<i>Waiver Fees - Public Indecency</i>	
First offense	\$100.00
Second offense	\$250.00
Third offense	\$400.00
Fourth offense	\$550.00
Fifth and subsequent offenses	\$700.00

(Ord. of 4-26-1995, §§ 6, 7; Ord. of 10-19-2015(5), § 5)

Sec. 20-59. Other relief.

In addition to the enforcement procedures available before the judicial bureau, the city manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(Ord. of 4-26-1995, § 8; Ord. of 10-19-2015(5), § 6)