



Friday, September 5, 2025, 3:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Sep 5, 2025 03:00 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/92840616554?pwd=MwZb33FVMWeIjpm5YD8YjfZ2zXgxhe.1>

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from August 21st
Meeting	September 5, 2025 - Ordinance Committee Meeting Agenda - Friday, September 5, 2025, 3:00 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

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Category

3. Public Forum

Department

Council and Board

Type

4. Indecent Exposure Ordinance Discussion

Subject

4.1. Indecent Exposure Ordinance Discussion

Meeting

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4. Indecent Exposure Ordinance Discussion

Department

Council and Board

Type

Recommended Action

5. Any Other Committee Business

Subject

5.1. Any Other Committee Business

Meeting

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Category

5. Any Other Committee Business

Department

Council and Board

Type

Recommended Action

6. Adjournment

Subject

6.1. Motion to adjourn

Meeting

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Category

6. Adjournment

Department

Council and Board

Type

Recommended Action

Ordinance Committee
Thursday, August 21, 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: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney)

Public Present: S. Hakes

Meeting called to order at 4:33 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 July 17

Motion to adopt the draft minutes from July 17 as drafted.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

No members of the public wanted to speak in public forum.

4. Reporting Incentives Ordinance Discussion

Attorney Ramakrishnan shared the draft ordinance on reporting incentives. The draft ordinance is available in the CivicClerk agenda packet.

Councilor Carpenter said she is supportive of the new City Circle method of resolving issues and not relying on fines. She said this draft ordinance does not align with that restorative approach.

Councilor Barlow said he has reservations about the draft ordinance but would be willing to attempt a pilot project.

Councilor Kane said he does not like how broad the ordinance is. Councilor Bergman agreed.

Attorney Ramakrishnan said that committee members could send him an email with specific changes they would be interested in and he can draft language for review later in the year.

Councilor Bergman said that the Police Department, the Mayor's Office, Permitting, and Parks should all be contacted for any comments. He added that he would like to know how many or what proportion of ordinance violations are not prosecuted because of a lack of information.

All councilors agreed that they needed to hear from the affected departments about this would be an effective tool before taking up the discussion again.

5. Indecent Exposure Ordinance Discussion

Councilor Barlow said he is supportive of the draft ordinance, but had concerns about how the ordinance might apply to certain events like the Naked Bike Ride. He said that he intends for the ordinance to only be applied to the particular issues that have arisen lately and not to innocuous activities.

Councilor Carpenter agreed and said the issues of people being naked downtown are not mistakes or a matter of mental capacity.

Councilor Kane asked if there are different young age criteria in other ordinances and why the age of five years old was picked as the cutoff.

Councilor Bergman said he would like explicit exceptions written into the ordinance for free speech/protests and particular events like the Naked Bike Ride. He added that "public place" needs to be defined.

6. Any Other Committee Business

The next ordinance committee meeting is scheduled for September 5 at 3:00 PM.

7. Adjournment

The meeting was adjourned at 5:55 PM.

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.~~

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

stages of passage:

PROHIBITING INDECENT EXPOSURE

ORDINANCE _____

Sponsor: *Traverse*

Public Hearing Dates: _____

First reading: _____

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Rules suspended and placed in all

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19 article to regulate public indecent exposure, which is deemed to be a public nuisance.

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21
22 (b) Definitions.
23

“Public indecent exposure” is defined as a person exposing their genitals or anal region on any street, sidewalk, or other public place.

“Public place” is defined as 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, and where nudity or exposure is not necessarily and customarily expected. 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 and other places where an individual would not reasonably be expected to be observed by members of the public or where nudity or exposure is necessarily and customarily expected, shall not be deemed a 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.

(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 two hundred dollars (\$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 or City Circle. In addition to the enforcement procedures listed in this section, the city is authorized to commence a civil action to obtain injunctive and/or other appropriate relief, or to pursue any other remedy authorized by law.

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

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.