

TOWN OF FAIR HAVEN, VERMONT  
DISORDERLY CONDUCT ORDINANCE

#2010-04-20-2

Adopted: April 20, 2010

Effective: June 20, 2010

ARTICLE 1 - Authority

Pursuant to 24 VSA 1971(a) and 24 VSA 2291(14) the Selectmen of the Town of Fair Haven, Vermont hereby adopt the following ordinance to regulate public nuisances within the Town of Fair Haven.

This ordinance is designated as a civil ordinance pursuant to 24 VSA Section 1971(b).

ARTICLE 2 - Purpose

It is the purpose of this ordinance to regulate the conduct of persons within the Town of Fair Haven in order to promote public health, safety and welfare throughout the Town of Fair Haven.

ARTICLE 3 - Definition

As used in this ordinance disorderly conduct is defined as:

1. A person who, with intent to cause public inconvenience or annoyance or recklessly creates a risk to others by engaging in prohibited conduct.

ARTICLE 4 – Prohibited Conduct

It shall be unlawful to:

- A. Engage in fighting or in violent, tumultuous or threatening behavior.
- B. Make unreasonable noise.
- C. Use abusive or obscene language in a public place.
- D. Disturb any lawful assembly or meeting of persons, without lawful authority.
- E. Obstruct vehicular or pedestrian traffic.
- F. Recklessly create a risk to others.
- G. Intentionally cause public inconvenience or annoyance.

ARTICLE 5 - Penalties

1 Fines

A person who violates the provisions of this ordinance shall be fined:

|               |                |
|---------------|----------------|
| Civil Penalty | Waiver Penalty |
| \$200         | \$100          |

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the waiver fee within 20 days of issuance of the municipal violation complaint.

The waiver penalty may double if not paid within 20 days of issuance of the municipal violation complaint.

2 Failure to Respond to Vermont Municipal Complaint

Any Vermont Municipal Complaint ticket not answered within 20 days of issue by notifying the Judicial Bureau that you admit, not contest or deny the allegation(s) in the Complaint shall be subject to a failure to answer fee as established by the Judicial Bureau. The additional fee may be added to the Waiver Penalty amount shown on the front of the Complaint.

3 Penalties, Fees, Collection

Any Vermont Municipal Complaint not answered shall be subject to the penalties, fees and collection methods as established by the Vermont Judicial Bureau.

ARTICLE 6 - Enforcement

Enforcement officials shall include any officer from the Fair Haven Municipal Police Department and/or any properly certified Town of Fair Haven Constable who shall issue and pursue before the Judicial Bureau a municipal complaint for violation of this ordinance.

ARTICLE 7 - Additional Enforcement Provisions

A law enforcement officer who does not personally witness the prohibited conduct may obtain, from the complainant, a written sworn statement giving specific details of the prohibited conduct and inform the complainant they will be required to appear in court if the violation is contested.

ARTICLE 8 - Repeal

Any other ordinance, amendment or regulation relating to Disorderly Conduct is hereby repealed.

ARTICLE 9 - Separability

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

ARTICLE 10 - Amendments

This ordinance may be amended by a majority vote of the Board of Selectmen at any duly constituted meeting in accordance with 24 VSA Section 1972.

ARTICLE 10 - Effective Date

This ordinance shall become effective 60 days after its adoption by the Fair Haven Select Board unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 V.S.A. § 1973.

If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 20<sup>th</sup> day of April 2000 By the Fair Haven Board of Select Board

Ronald Adams  
Ron Adams, Chair

Ray Bunker  
Ray Bunker

Julie A. Ellis  
Julie Ellis

Jeff Sheldon  
Jeff Sheldon

Claire S. Stanley  
Claire Stanley