

Town of Fair Haven
**DISTURBING THE PEACE BY USE OF TELEPHONE OR OTHER
ELECTRONIC COMMUNICATIONS ORDINANCE**

#2010-04-20-3

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:

1. Disturbing The Peace By Use Of Telephone Or Other Electronic Communications
A person who, with intent to terrify, intimidate, threaten, harass or annoy, makes contact with another by means of a telephonic or other electronic communication.
2. Location of Offense
An offense committed by use of a telephone or other electronic communication device shall be considered to have been committed at either the place where the telephone call or calls originated or at the place where the communication or communications or call were received

ARTICLE 4 - Prohibited Conduct

1. No person shall, by means of a telephonic or other electronic communication, make any request, suggestion or proposal which is obscene, lewd, lascivious or indecent.
2. No person shall, by means of a telephonic or other electronic communication, threaten to inflict injury or physical harm to the person or property of any person.
3. No person shall, by means of a telephonic or other electronic communication, disturb, or attempt to disturb, by repeated anonymous telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet or right of privacy of any person at the place where the communication or communications are received.

ARTICLE 5 - Penalties

1 Fine

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 th 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 Disturbing the Peace By Use of Telephone or Other Electronic Communications 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

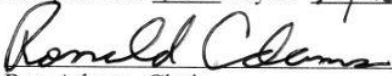
This ordinance may be amended by a majority vote of the Board of Selectmen at any duly constituted meeting in accordance with 24 VSA Section 1972.

ARTICLE 11 - 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 VS.A. § 1973.

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

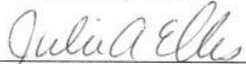
Adopted this 20 day of April 2010 By the Fair Haven Board of Select Board




Ron Adams, Chair



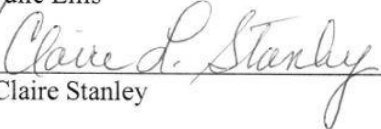
Ray Bunker



Julie Ellis



Jeff Sheldon



Claire Stanley