

or her dog on any street, sidewalk, park, playground, parking lot, or any other publicly owned or leased property by the Town of Madawaska."

SECTION 3. Penalties for Violation

Effective July 1, 1997, violation of this ordinance shall be punished by a civil penalty not to exceed \$10.00 for the first offense and \$25.00 thereafter for each reoccurrence.

SECTION 4. Exemption

This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this ordinance.

RECOMMENDED BY BOARD OF SELECTMEN

Article 54. Shall an ordinance entitled "Public Indecency" be enacted as follows:

SECTION 1. PURPOSE. The two purposes of this ordinance are (1) to prohibit certain acts of commercial exploitation of human sexuality in commercial or business establishments within the Town of Madawaska in order to reduce the likelihood of criminal activity, moral, degradation, sexually transmitted diseases and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places, and (2) to protect the health, safety, welfare and morals of the community by using the government's recognized and traditional police power to protect societal order, morality and physical and emotional health in public places without infringing on protected First Amendment rights.

SECTION 2. DEFINITIONS. For the purposes of this section, the following definitions apply:

(a) Sexual intercourse means any penetration of the female sex organ by the male sex organ. Emission is not required.

(b) Sexual act means any act of sexual gratification between 2 persons involving direct physical contact between the sex organs of and the mouth or anus of the other or direct physical contact between the sex organs of one and the sex organs of the other, or direct physical contact between the sex organs of one and the hand of another, or between the sex organs of one and an instrument or devise manipulated by the other. A sexual act may be proved without allegation or proof of penetration.