

**ORDINANCE
TOWN OF LUDINGTON, EAU CLAIRE COUNTY**

REGULATION OF PUBLIC NUILITY

THE TOWN BOARD OF THE TOWN OF LUDINGTON, EAU CLAIRE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: That it hereby adopts the following ordinance regulating public nudity in the Town of Ludington.

Public Nudity Prohibited.

§1. Purpose. The purpose of this Ordinance shall be to establish a standard for public conduct in the Town of Ludington as a means of promoting the public health, safety and welfare. This purpose is manifested by the need to protect and promote the public's interest against the spread of sexually transmitted diseases, its interest in eliminating sexual harassment and in the control of such activities as prostitution and other deleterious effects associated with public nudity.

§2. Authority. This Ordinance is authorized pursuant to §60.10(2)(c), Wis. Stats., under which the electors of the Town have granted Village Powers to the Town Board; §60.23(3), Wis. Stats., under which the Town Board may exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats.; and §61.34, Wis. Stats., under which village boards and, in light of the grant of village powers to this Board, town boards, have the power to act for the government and good order of the town and for the health, safety and welfare of the public. This Ordinance constitutes an exercise of the police power on behalf of the residents of the Town of Ludington.

§3. Public Nudity Prohibited.

A. No person shall knowingly or intentionally engage in any of the following acts or conduct him or herself in one of the following manners in any public place in the Town of Ludington:

- (1) Sexual Intercourse;
- (2) Appear in a state of nudity;
- (3) Fondle the genitals of himself, herself or another person.

B. The prohibition set forth in A., above, shall not apply to:

- (1) Any child under the age of ten (10) years of age; or

- (2) Any person exposing a breast or breasts for or in the process of breastfeeding an infant.

C. Definitions. The following definitions shall govern and control the operation and enforcement of this Ordinance:

- (1) "Genitals" shall mean the organs of the reproductive system.
- (2) "Nudity" shall mean the showing of the human male or female genitals, public hair or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, natal cleft, perineum and region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or the areola.
- (3) "Public place" shall mean all outdoor places owned by or open to the public, and all buildings or structures and other enclosed places owned by or open to the public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specified members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.
- (4) "Sexual intercourse" shall mean vulvar penetration but does not require emission as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of the person's body or of any object into the genital or anal opening.

§4. Penalty for Violations. Violations of this Ordinance shall be subject to a forfeiture in favor of the Town of from \$ 50 to \$1,000 per occurrence with each day that a violation continues constituting a separate offense.

§5. Enforcement. This ordinance may be enforced in the name of the Town by any law enforcement officer with jurisdiction or upon request of the Town Board.

SECTION TWO: This ordinance shall take effect upon its adoption and publication as required by law.

THIS ORDINANCE ADOPTED this 10th day of July, 2000.

**TOWN BOARD OF THE
TOWN OF LUDINGTON**

By: Mark Solberg - Chairman

By: _____

By: _____