

VILLAGE OF LITTLE CHUTE

**ORDINANCE NO. 2 SEC. 30 - 136
SERIES OF 2015**

**AN ORDINANCE CREATING CHAPTER 30, SECTION 136 OF THE
VILLAGE OF LITTLE CHUTE MUNICIPAL CODE
PROHIBITING "SEXTING"**

BE IT ORDAINED, by the Village Board of Trustees, the Village of Little Chute, Outagamie County, Wisconsin, as follows:

Section 136 of the Municipal Code of the Village of Little Chute, Chapter 30, be created to read as follows:

Sec. 30 - 136 Sexting prohibited.

1. Definitions.

- a. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.
- b. "Harmful to Minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
 - 1) Predominantly appeals to a prurient, shameful, or morbid interest;
 - 2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - 3) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- c. "Minor" means any person under the age of 18 years.

2. A minor commits the offense of sexting if he or she knowingly:
 - a. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.
 - b. Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
 - 1) The minor did not solicit the photograph or video.
 - 2) The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
 - 3) The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.
 - c. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:
 - 1) Predominantly appeals to a prurient, shameful, or morbid interest;
 - 2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - 3) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
 - d. Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this section 30 - 136 of the Municipal Code.
3. Any person who shall violate this section prohibiting “sexting” shall pay a forfeiture plus costs established in the “Village Fees, Deposits and Charges Schedule” attached as Appendix C to this Code.

Approved and Adopted this 6th Day of May, 2015.

VILLAGE OF LITTLE CHUTE

BY: Michael R. Vanden Berg
Michael Vanden Berg, Village President

BY: Laurie Decker
Laurie Decker, Village Clerk