

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 26, SERIES OF 2011

AN ORDINANCE AMENDING SECTION 30-28, OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE, DISORDERLY CONDUCT; BY REDESIGNATING SUBSECTION (a) as (b); AND CREATING SUBSECTIONS (a) AND (c) THROUGH (e).

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

Section 1. Adoption of Provisions.

Section 30-28, Disorderly Conduct, of the Village of Little Chute Code of Ordinances, is amended by redesignating subsection (a) as (b) and creating subsections (a) and (c) through (e), to read as follows:

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Little Chute shall:
 - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance or public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
 - (3)
- (b) **Disorderly Conduct.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the village, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose himself.
- (c) **Public Indecency.**
 - (1) **Definitions.** As used in this Section, the following definitions shall be applicable:
 - a. **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.
 - b. **Peep.** Any looking or peering of a clandestine, surreptitious, prying, or secretive nature.
 - (2) **Prohibitions.** Whoever does any of the following is guilty of public indecency:
 - a. Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others.
 - b. Publicly and indecently exposes genitals or pubic area.
 - c. Appears publicly in a state of nudity.
 - d. Engages in masturbation, or conduct which would appear to an ordinary observer to be masturbation, with knowledge that they are in the presence of others or that they can be observed by others.
 - (3) **Prohibited Nonconsensual Behavior.** No person shall do any of the following without the consent of the other person:
 - a. Peep into an area where an occupant of the area has a reasonable expectation of privacy, including, but not limited to:
 - 1. Restrooms;
 - 2. Bath and/or shower units; and

3. Dressing rooms.
- b. Go upon the land of another with the intent to peep into an occupied dwelling of another person; this includes the use of recording devices.

(4) ***Exceptions.***

- a. This Section shall not apply to the following:
 1. Legitimate, authorized law enforcement activities.
 2. A mother's breast-feeding of her child.
 - b. Subsection (2)b above shall not apply to the following:
 1. A theater, concert hall, art center, museum or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this Section were permitted or allowed as part of such art exhibits or performances.
 2. Establishments fully complying with the requirements of Chapter 44:252 of this Code of Ordinances.
- (d) **Violent and Abusive Behavior; Non-Verbal Gestures.** No person in any public or private place may engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person. Such prohibited conduct also includes non-verbal gestures, signals or gang signs if said conduct tends to cause or provoke any immediate disturbance of public order or tends to disturb or annoy any other person.
- (e) **Disturbance of Meetings.** No person may disrupt or disturb any congregation, audience, public meeting or lawful assembly of person of any kind, or in concert with others disturb or disrupt such meeting.

Section 2. Severability.

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date.

This Ordinance shall take effect upon passage and publication as provided by law.

Introduced: December 14, 2011

Approved and Adopted: December 21, 2011

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____
Vicki Schneider, Village Clerk

Published and/or Posted: _____