



Legislation Details (With Text)

File #: 75980 **Version:** 1 **Name:** Public Indecency Section Definitions
Type: Ordinance **Status:** Passed
File created: 2/2/2023 **In control:** Attorney's Office
On agenda: 2/28/2023 **Final action:** 2/28/2023
Enactment date: 3/10/2023 **Enactment #:** ORD-23-00028

Title: Amending Section 26.01(1) of the Madison General Ordinances to remove extraneous provisions within the section related to Public Indecency.

Sponsors: Grant Foster

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/28/2023	1	COMMON COUNCIL	Adopt	Pass
2/7/2023	1	COMMON COUNCIL	Add Referral(s)	Fail
2/7/2023	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
2/2/2023	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No fiscal impact.

Title

Amending Section 26.01(1) of the Madison General Ordinances to remove extraneous provisions within the section related to Public Indecency.

Body

DRAFTER'S ANALYSIS: This ordinance removes extraneous provisions as the defined term of "nudity" is not cited in the ordinance.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 26.01 entitled "Public Indecency" of the Madison General Ordinances is amended as follows:

~~"(1) As used in this section, "nudity" means 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."~~

- (21) 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) 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.

- (32) 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. baths;
 - 3. showers; and
 - 4. dressing rooms.
 - (b) Go upon the land of another with the intent to peep into an occupied dwelling of another person;
 - (c) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature, whether by direct observation or via camera or other remote viewing or magnification or recording device.
- (43) In all cases under Subsections (21) and (32), actions must be conducted with lewd and lascivious intent to be violations of this section.
- (54) Exceptions .
- (a) This ordinance shall not apply to ~~the following:~~ legitimate authorized law enforcement activities.
 - 1. ~~A mother's breast-feeding of her child.~~
 - 2. ~~Legitimate, authorized law enforcement activities.~~
 - (b) Sub. (21)(c) shall not apply to the following:
 - 1. Establishments holding an Adult Entertainment License issue pursuant to Sec. 9.05, MGO.
 - 2. 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.
- (65) Any person violating any provision of this section shall forfeit not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000) upon conviction."