

ORDINANCE NO. 93-2

AN ORDINANCE PERTAINING TO PUBLIC NUILITY

The Town Board of the Town of Lac du Flambeau, Vilas County, Wisconsin, does hereby ordain as follows:

Section 1. The Town Board of the Town of Lac du Flambeau, following public hearing and discussion, has determined that public nudity is not in the best interests of the residents of, and visitors to, the Town of Lac du Flambeau.

Section 2. This ordinance is enacted by the Lac du Flambeau Town Board pursuant to the authorities granted to the Board by Wisconsin Statute, including the general powers contained in Section 60.23, the Village Powers granted to the Town Board by the Town Meeting as set forth in Section 60.10(2)(c) and Section 60.22(3), and further including Section 125.10, all contained in the Wisconsin Statutes.

Section 3. No person shall engage in, or permit others to engage in, public nudity in any public, licensed establishment, in the Town of Lac du Flambeau.

Section 4. Definition. The following terms have the definition and meaning as set forth hereafter:

Nudity means the showing or exposing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

Public means any place of accomodation or amusement, which shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, campgrounds, restaurants, taverns and any place where accomodations, amusement, goods or services are available either free or for a consideration.

Licensed means iicense issued by any governing authority including, but not limited to, the United States Government, State of Wisconsin, Vilas County, and the Town of Lac du Flambeau.

Section 5. Exceptions.

A. This ordinance shall not be interpreted as restricting the proper use of a bathroom facility by a person in an enclosed area where the person is of the same sex designated for such room, and is not engaged in for any sexual or exhibitionist purpose to, in front of, or adjacent to other persons.

B. This ordinance shall not be interpreted to prevent activities in rooms privately rented in a hotel, motel, resort, or camper if at a campground, if the person(s) involved rented such private facility or owns it and has not invited or allowed members of the public,

who are not immediate family members, to be at such location.

Section 6. Severability. If any portion of this ordinance, whether an entire section, a word, or a group of words, or otherwise, is held to be invalid, unenforceable, or unconstitutional, by any court of competent jurisdiction, those portions so affected shall be deemed stricken from this ordinance and the remaining portions of the ordinance shall continue to be of full force and effect the same as if the offensive portions had not been contained therein.

Section 7. Violation and Enforcement.

A. Each violation of this ordinance shall result in a forfeiture of not less than \$50 nor more than \$100. When using a citation form of enforcement, the deposit allowed shall be \$50 for a first offense, or \$100 for a second or greater offense within five years.

B. As set forth in Section 125.12, Wis. Stats., or any ordinance for the Town of Lac du Flambeau, violation of the terms of this ordinance constitutes sufficient grounds for suspension, revocation or nonrenewal of any and all licenses issued for the premises on which such activity constituting a violation has occurred.

C. This ordinance may be enforced by forfeiture, or by injunctive relief in any court of competent jurisdiction, or both.

Section 8. Effect. This ordinance shall take effect upon passage and publication as provided for by law.

DATED this 2nd day of June, 1993.

TOWN OF LAC DU FLAMBEAU

By: [Signature]

By: [Signature]

By: [Signature]