

ORDINANCE NO. 624

An Ordinance of the Municipal Code of the City of Kiel Amending Chapter 9 (Public Peace and Good Order)

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Chapter 9.29 is hereby created to read as follows:

9.29 SEXTING PROHIBITED

(1) Intent. The Common Council of the City of Kiel has determined that the sharing of explicit images and related activities between minors represents a concern for the health, safety, welfare, peace and order to the citizens of the City of Kiel. The council has further determined that prohibiting sharing of explicit images and related activities between minors will serve to deter such activities within the city.

(2) 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 noticeably erect state. A mother's breastfeeding of her baby does not under any circumstances 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 an indecent, shameful, or morbid interest;
- (2) Is blatantly 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.

(3) 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; and
- (3) The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.

(a) 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 an indecent, shameful, or morbid interest;
- (2) Is clearly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;

(3) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(b) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this section of the Municipal Code.

(4) PENALTIES. A person who violates any provision of this section shall be punished by a forfeiture set forth in Section 25 of this municipal code.

SECTION 2: This ordinance takes effect upon passage and publication in accordance with the law.

Ordinance No. 624 introduced on August 12th, 2025, by
Ald. _____, seconded by Ald. _____.

Upon a call of votes thereof, the result was as follows:

_____ Votes Cast

_____ Votes Aye

_____ Votes Nay

The Mayor declared Ordinance No. 624 introduced and approved this 12th day of August, 2025.

ROBERT HENNINGS, Mayor

COUNTERSIGNED:

DAVID FUNKHOUSER, City Administrator