

**TOWN OF CLEVELAND ORDINANCE NO. 2026-07**

**AN ORDINANCE PROHIBITING SEXTING**

The Town Board of the Town of Cleveland, Jackson County, Wisconsin do ordain as follows:

**ARTICLE 1.** A Town of Cleveland Ordinance is hereby created to read as follows:

**Section 1.** Ordinance Title. "Sexting Prohibited

**Section 2.**

a) Definitions, As used in this ordinance, the following terms shall have the meanings indicated:

- i. **HARMFUL TO MINORS** 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.
- ii. **MINOR** Any person under the age of 18 years.
- iii. **NUDITY** 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) No Minor shall knowingly:

- i. Use a computer, cell phone, 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.

- ii. Possess a photograph or video of any person which depicts nudity, as defined above, and which is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
  - (a) The minor did not solicit the photograph or video; and
  - (b) The minor did not transmit or distribute the photograph or a video to a third party other than a parent, school official or law enforcement official.
- iii. Solicit the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this section.


**ARTICLE 2.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

**ARTICLE 3.** All other Town of Cleveland ordinances that are in direct conflict with this Ordinance are hereby repealed.


**ARTICLE 4. Effective Date.** This ordinance becomes effective upon passage and publication as required by law.

Adopted this 10<sup>th</sup> day of February, 2026.

  
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Nicholas D'Amico  
  
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Adam Nordgaard

  
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Jimmy Michalec

Attest:

  
\_\_\_\_\_  
Town Clerk

PASSED: 2-10-26  
POSTED:  
PUBLISHED: