

98-3

## ORDINANCE OF THE TOWNSHIP OF WEST MAHANAY

### CHAPTER 93

#### OBSCENITY AND PORNOGRAPHY

93-1 1. CERTAIN ACTS PROHIBITED

93-2 2. DEFINITIONS

93-3 3. VIOLATIONS AND PENALTIES

Adopted by the Township of West Mahanay October 5, 1998 as Ordinance Number 98-3 approved October 5, 1998 effective October 5, 1998.

#### 93-1 CERTAIN ACTS PROHIBITED.

Every person, firm, corporation, partnership, or association who knowingly sends or causes to be sent or brings or causes to be brought into the Township of West Mahanay, for sale, lending or distribution or in the Township of West Mahanay, prepares, publishes, prints, exhibits, distributes, or offers to distribute or has in his, or her possession with intent to distribute or sells or offers to sell or lends any obscene book, magazine, newspaper, pamphlet, flier, image, movie, paraphernalia, photograph, or any other obscene matter or participates in, manages, directs or promotes any obscene exhibition or entertainment is guilty of a summary offense.

#### 93-2 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated.

**OBSCENE:** Any sexual depiction or conduct which:

- A: To the average person, applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to prurient interest
- B: Is patently offensive.
- C: Lacks serious artistic, literary, political or scientific value.
- D: Includes acts of sexual intercourse, including genital to genital, oral genital, or anal genital acts, homosexuality, sodomy, simulated sexual intercourse, bestiality, sadomasochistic abuse, masturbation or physical contact with a person's clothed or un-

clothed genitals, pubic area, buttocks, or if such a person is a female, breast; acts of excretion or urination; the depiction of the male genitals in a discernibly turgid state, whether clothed or unclothed, or the depiction of female genitalia in a spread eagle pose; the sexual exploitation of minors under the age of eighteen ( 18 ) years; or the live display of nudity, whether the subject is male or female, including the live display of nude female breasts, buttocks, genitals, or pubic areas and the live display of nude male buttocks, genitals or pubic areas.

93-3 VIOLATIONS AND PENALTIES.

Whoever violates this chapter shall be the subject to a fine of up to six hundred (\$600.00) dollars per offense or a sentence of thirty (30) days imprisonment per offense.

*William O'Donnell*

William O'Donnell, Chairman

*Regina Kurtz*

Regina Kurtz, Vice-Chairperson

*Theodore Burak*

Theodore Burak, Supervisor

*Michael B. G. [Signature]*

Attest