

CHAPTER ____ - PORNOGRAPHIC MATERIAL OR PERFORMANCES

- 1) Definitions.
 - a) 'Distribute' shall mean to transfer possession of, with or without consideration.
 - b) 'Material' shall mean any printed matter, visual representation, or sound recording, and includes, but is not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.
 - c) 'Nudity' shall mean uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernible turgid state. For purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
 - d) 'Performance' shall mean any play, motion picture film, dance, or other exhibition performed before an audience.
 - e) 'Person shall mean any individual, partnership, firm, association, corporation, or other legal entity.
 - f) 'Pornographic' shall mean any material or performance in which the following coalesce:
 - 1) Its dominant theme taken as a whole appeals to a prurient interest in sex.
 - 2) It is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matter.
 - 3) It is utterly without redeeming social value.
 - g) 'Sado-masochistic abuse' shall mean either:
 - 1) Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume.
 - 2) The condition of being fettered, bound or otherwise physically restrained on the part of a person who is nude or clad in undergarments or in revealing or bizarre costume.
 - h) 'Sexual Conduct' shall mean ultimate sexual acts, including but not limited to, masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, fellatio, cunnilingus or physical contact with a person's clothed or unclothed genitals, public area, buttocks, anus, or the breast or breasts of a female for the purpose of sexual stimulation, gratification, or perversion.
 - i) 'Sexual Excitement' shall mean the condition of the human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.
- 2) It shall be unlawful for any person to prepare, publish, print, exhibit, distribute, or offer to distribute or have in his/her possession with intent to distribute or exhibit or offer to exhibit any pornographic material.

- 3) It shall be unlawful for any person to give, advertise, produce, exhibit, or perform in any pornographic performance in any playhouse, theater, hall or other place within the Town of Hull.
- 4) Penalty. Any person who shall violate any of the provisions of this ordinance shall forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) together with the costs of prosecution for each offense. In default of payment of any forfeiture and cost of prosecution for each offense. In default of payment of any forfeiture and cost of prosecution, the violator shall be imprisoned in the house of correction or the county jail until such forfeiture or costs are paid. Such imprisonment shall not exceed sixty (60) days.
- 5) Exposing Minors to Harmful Materials.
 - a) Definitions. For purposes of interpretation in enforcement of this ordinance the definitions contained herein shall apply. Additional definitions are as follows:
 - 1) 'Knowingly' shall mean having general knowledge of, or reason to know, or belief, or ground for belief, which warrants further inspection or inquiry of both:
 - a) The character and content of any material described herein which is reasonable susceptible of examination by defendant.
 - b) The age of a minor.
 - 2) 'Minor' shall mean any person less than 18 years of age.
 - b) It shall be unlawful for any person knowingly to distribute pornographic material to a minor.
 - c) It shall be unlawful for any person to exhibit a pornographic performance to a minor. It shall be a violation of this section if any person, for a monetary consideration or other valuable commodity or service knowingly:
 - 1) Exhibits a pornographic performance to a minor.
 - 2) Sells an admission ticket or other means to gain entrance to a pornographic performance to the minor.
 - 3) Permits the admission of the minor to premises whereon there is exhibited a pornographic performance.
 - d) Penalty. Any person who shall violate any of the provisions of this ordinance shall forfeit not less than two hundred (\$200.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution for each offense. In default of payment of any forfeiture and costs of prosecution, the violator shall be imprisoned in the county jail until such forfeiture and costs are paid and such imprisonment shall not exceed ninety (90) days.

Adopted this 2nd day of May, 1984
Effective date: Date of publication

Joseph Wojcik, Chairman

Attest: Janet R Wolle, Clerk

