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AN ORDINANCE TO REGULATE CERTAIN CONDUCT OF AND BY PERSONS IN THE BOROUGH OF WEST WYOMING; TO PREVENT VICE AND IMMORALITY; PROMOTING PUBLIC PEACE, SAFETY, HEALTH AND MORALS; PROTECTING PRIVATE AND PUBLIC PROPERTY; PROTECTING THE SOCIAL INTEREST IN ORDER AND MORALITY; PROHIBITING CERTAIN CONDUCT INVOLVING AND/OR AFFECTING MINORS; PROHIBITING ADVERTISEMENTS OF OBSCENE MOTION PICTURE FILMS, SHOWS OR OTHER PRESENTATIONS AND PROHIBITING PERSONS FROM ASSISTING IN EXHIBITING ANY OBSCENE MOTION PICTURE FILM, SHOW OR PRESENTATION; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. Any person who, with knowledge of the character and content, either sells, gives away, lends, distributes, exhibits, shows or transmutes, or offers either to sell, give away, lend, distribute, exhibit, show or transmute, or has in his possession with intent either to sell, give away, lend, distribute, exhibit, show or transmute to another, or who otherwise knowingly offers for gift, sale or distribution any obscene picture film, show or other presentation, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representation of such character, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 2. No person shall knowingly exhibit upon any private property or at or near any public street or highway or in any other place within the view of adults or minors passing on any public street or highway, any obscene motion picture film, show or other presentation which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character; and

any person doing so shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 3. No person may, with knowledge of the character or content, exhibit, show or project a motion picture film, show or other presentation, which in whole or in part depicts nudity, sexual conduct, or sadomasochistic abuse, so that it may be viewed by minors or any other persons from public property or private property not under the control of the person exhibiting, showing or projecting such motion picture film, show or other presentation.

SECTION 4. Whoever knowingly participates in, supports, or in any way aids in the exhibition, showing or projection of an obscene motion picture film or other type motion picture film in violation of this Act, whether the same shall be a ticket seller, usher, manager, projectionist or other such employee, agent, servant or workman, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 5. Whoever being the owner of any premises or having control thereof, knowingly permits within or on said premises the exhibition, projection or showing of any motion picture film, show or presentation in violation of this Act, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars and to undergo imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 6. Whoever knowingly advertises or accepts for advertisement any motion picture film, show or other presentation, the exhibition, showing or projection of which would be in violation of this Ordinance ~~XXXXXXXXXX~~, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 7. For the purposes of this Ordinance or ~~XXXXXXXXXX~~ all three of the following elements are required to establish obscenity:

1. The average person applying contemporary community standards must find that the work taken as a whole appeals to the prurient interest.
2. That the film must depict or describe patently offensive representations or descriptions of sexual conduct such as ultimate sexual acts, normal or perverted, actual or simulated, real or animated, and/or patently offensive representations or descriptions of masturbation, excretory functions, and/or lewd exhibition of the genitals; descriptions or representations of acts of fellatio, cunnilingus, whether the same involves persons real or animated, animals or combinations of individuals <sup>including persons.</sup> real, animated and/or animals.
3. That the work taken as a whole lacks serious literary, artistic, political or scientific value.

SECTION 8. As used in Section 3 of this Ordinance ~~XXXXXXXXXX~~:

1. Nudity means and shall include the showing of the human male or female genitals, pubic area, or buttocks with less than a fully

opaque covering, or the showing of a 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.

2. Sexual conduct shall mean, in addition to the examples hereinbefore set forth, acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breasts.

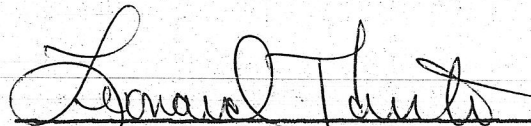
3. Sadomasochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask, or bizzare costume or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.


SECTION 9. Should any section, clause or provision of this Ordinance ~~XXXXXXXXXXXX~~ be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance ~~XXXXXXXXXXXX~~ as a whole, other than the part thereto so declared to be invalid.

SECTION 10. This Ordinance ~~XXXXXXXXXXXX~~ shall become effective immediately.

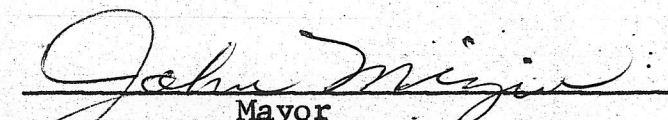
ENACTED AND ORDAINED at a regular meeting of the Borough Council held on the 14th day of April, 1975.

Attest:

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Secretary

Approved this 14th day of April, 1975.

  
\_\_\_\_\_  
Mayor