

CHAPTER XI.

OBSCENITY

SECTION 11.00. Definitions. In this section, the following words shall have the following definitions:

- a. "Obscene Material" means a writing, picture, sound recording or film and "Obscene Performance" means a live exhibition before an audience which:
 1. The average person, applying contemporary community standards, would find appeals to prurient interests if taken as a whole;
 2. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and
 3. Lacks serious literary, artistic, political or scientific value as measured by objective standards if taken as a whole.
- b. "Sexual conduct" means the commission or simulation of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

SECTION 11.10. Prohibited Actions and Conduct: Whoever does any of the following with knowledge of the character and content of the material or performance is guilty of a violation of the Code of the Town of Spring Prairie:

- a. Imports, prints, advertises, sells, has in his or her possession for sale, or publishes, exhibits or transfers any obscene material.
- b. Advertises, produces or performs in any obscene performance, or permits an obscene performance on premises owned, leased or managed by him.
- c. Requires, as a condition to the purchase of periodicals, that a retailer accept obscene material.

SECTION 11.20. Determination of Obscenity: In determining whether material, performances, actions or conduct are obscene hereunder, a judge or jury shall examine the same in the context of the work and/or surroundings in which they appear or take place.

SECTION 11.30. Penalty: The following penalties shall apply to violations of this chapter:

11.31. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

11.32. Any person found guilty of violating any provision of this chapter who shall previously have been convicted of violating any provisions contained in this chapter within any 365-day period, shall upon conviction thereof, forfeit not less than \$1,000.00 nor more than \$10,000.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding 6 months. The 365-day period shall be measured from the dates of violations which resulted in convictions.

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