

ORDINANCE NO. 48

AN ORDINANCE PROHIBITING THE DISSEMINATION OF OBSCENE MATERIALS WITHIN THE CITY LIMITS OF PORT ST. JOE, FLORIDA; PROVIDING A DEFINITION OF SAID OBSCENE MATERIALS; PROVIDING PENALTIES THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe, Florida, has determined that it is to the best interests to the health and welfare of the citizens that an ordinance prohibiting the sale of obscene materials shall be passed, Now, therefore,

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

Section 1. It shall be unlawful for any person to distribute obscene materials within the City limits of Port St. Joe, Florida.

Section 2. A person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent to do so.

Section 3. Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

Section 4. Material, not otherwise obscene, may be deemed obscene under this section if the distribution thereof, or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

Section 5. A person convicted of distributing obscene material shall be fined not less than \$500.00 or imprisoned in the City jail not less than 60 days, or both fine and imprisonment.

Section 6. This ordinance shall take effect as provided by law.

INTRODUCED at a regular meeting of the City Commission on the 20th day of October, 1970, and ADOPTED by the City Commission on the 17th day of November, 1970.

CITY OF PORT ST. JOE, FLORIDA

/s/ Frank Pate

Mayor-Commissioner

Attest:

/s/ C. W. Brock

City Clerk