

CITY OF ROSE CREEK
ROSE CREEK, MN 55970

ORDINANCE # 57

AN ORDINANCE RELATING TO THE SALE AND DISTRIBUTION OF OBSCENE MATERIALS

The City Council of the City of Rose Creek does ordain as follows:

SECTION 1 OBSCENE MATERIALS

It is unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture, film, play, image, statue, drawing or other article which is obscene.

Material is obscene within the meaning of this section if:

(a) it depicts or describes any of the following:

(1) Actual or simulated sexual intercourse, fellatic, cunnilingus, analingus, or any other actual or simulated oral-genital or oral-anal contact between persons or between persons and animals.

(2) Masturbation or ejaculation by persons or animals, or the actual or simulated act of manually stimulating the genitals of another person or animal.

(3) Scenes involving a person or persons, any of whom are nude, clad in undergarment or in sexually revealing costumes, and who are engaged in activities involving flagellation, torture, fettering, binding or other physical restraint of any such persons.

(4) Human genitals in such a manner so as to focus the attention of the reader or viewer to the genitals in a manner calculated to appeal to the prurient interest of the reader or viewer.

And if in addition to any of the above

(b) The Material:

(1) Considered as a whole, by an average person applying contemporary community standards, is found to appeal to the prurient interest

(2) Describes or depicts sexual conduct mentioned in (a) of this section in a patently offensive way; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value.

The following are exempt from the provisions of this section:

(a) Recognized and established schools, churches, museums, medical clinics, hospitals, public libraries, governmental agencies or quasi-governmental sponsored organizations, and persons acting in the capacity as employees or agents of such organizations, and a licensed physician or psychiatrist while engaged in his practice. For the purpose of this section "recognized and established" shall mean a school having a full-time faculty and diversified curriculum; a church affiliated with a national or regional denomination; a medical clinic comprised of licensed physicians or psychiatrists; and in the case of all others exempt organizations which are supported in whole or in part of tax funds or which receive at least one-third of their support from publicly donated funds.

(b) Parents disseminating material to their children.

SECTION 2
Anyone violating the provisions of this ordinance shall be guilty of a misdemeanor.