

ORDINANCE NO. 434

AN ORDINANCE PROHIBITING EXHIBITION AND SALE OF HARMFUL MATERIALS TO MINORS,
AND OTHER MATTERS PROPERLY RELATING THERETO.

The City Council of Boulder City do ordain:

SECTION 1. DEFINITIONS. As used in this section:

- A. "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
 - (1) predominantly appeals to the prurient, shameful or morbid interest of minors, and
 - (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and
 - (3) is utterly without redeeming social importance to minors.
- B. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 - (1) the character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
 - (2) the age of the minor, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
- C. "Minor" means any person under the age of 18 years, but as applied to the showing of a motion picture excludes any person employed on the premises where the motion picture is shown.
- D. "Nudity" means the showing of the human male or female genitals or pubic area or the depiction of covered male genitals in a discernible turgid state.
- E. "Sado-masochistic abuse" means flagellation or torture practiced by or upon a person in undergarments, a mask or bizzare costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- F. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals or pubic area.

- G. "Sexual excitement" means the condition of human male or female genitals in a state of sexual stimulation or arousal.

SECTION 2. UNLAWFUL ACTS: A person is guilty of a misdemeanor who knowingly:

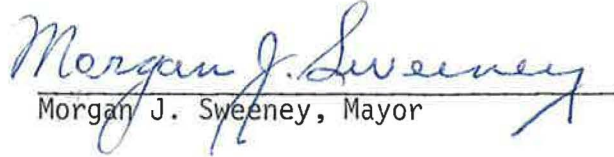
- A. Exhibits for sale, sells or loans for monetary consideration to a minor, or exhibits for sale to an adult in such a manner or location as to allow a minor to view or have access for examination, any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors.
- B. Exhibits for sale, sells or loans for monetary consideration to a minor, or exhibits for sale to an adult in such a manner or location as to allow a minor to view or have access for examination, any book, pamphlet, magazine, printed matter, however reproduced, or sound recording with or without music which contains any matter enumerated in subsection A, any explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, which taken as a whole is harmful to minors.
- C. Exhibits for monetary consideration to a minor, sells to a minor an admission ticket or pass or admits a minor, for monetary consideration, to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors, unless such minor is accompanied by his parent, guardian or spouse.
- D. Misrepresents that he is the parent, guardian or spouse of a minor for the purpose of obtaining admission of such minor to any motion picture, show or any other presentation which is harmful to minors.
- E. Misrepresents his age as 18 or over for the purpose of obtaining admission to any motion picture, show or other presentation which is harmful to minors.

SECTION 3. PENALTIES: Any person, firm, corporation, or others violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not more than FIVE HUNDRED DOLLARS (\$500) or be imprisoned in the City Jail for not more than six (6) months, or by both such fine and imprisonment.

SECTION 4. SEVERABILITY: The provisions of this Ordinance are severable, and, if any of its provisions shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE: This Ordinance shall become effective the 28th day of February, 1972.

SECTION 6. PUBLICATION: The City Clerk shall cause this Ordinance to be published on Thursday, the 27th day of January, 1972, in the Boulder City News, a weekly newspaper, published in Boulder City, Nevada.


Morgan J. Sweeney, Mayor

ATTEST:


Lorraine H. Kautz, City Clerk

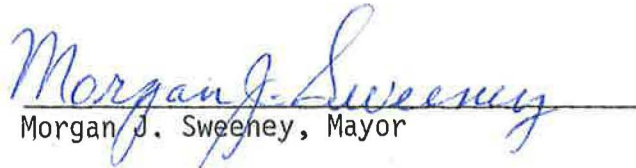
The foregoing Ordinance was first proposed and read by title to the City Council on the 11th day of January, 1972, which was a regular meeting; thereafter, the proposed Ordinance was read in the manner required by law at a regular meeting on the 25th day of January, 1972, and adopted by the following vote:

VOTING AYE: Andree, French, Painter, Whitmoyer and Sweeney


VOTING NAY: NONE

ABSENT: NONE

APPROVED:


Morgan J. Sweeney, Mayor

ATTEST:


Lorraine H. Kautz, City Clerk

(Seal)