

ORDINANCE PROHIBITING OBSCENE MATERIAL
OR
OBSECEINITY FOR COMMERCIAL GAIN

NORTH BERWICK, MAINE

✓ *Ronald E. Staples*

✓ *W. T. Bellandier*

SELECTMEN, NORTH BERWICK, MAINE

ATTEST:

Wm E Belman
TOWN CLERK

TOWN OF NORTH BERWICK, MAINE 03906

ORDINANCE PROHIBITING OBSCENE MATERIAL OR
OBSCENITY FOR COMMERCIAL GAIN IN THE TOWN OF NORTH BERWICK, MAINE

Section 1.: Purpose:

The purpose of this ordinance is to prohibit any commercial enterprise from presenting, engaging in or disseminating any obscene exhibitions or material for profit. It is not intended to suppress or inhibit the free exchange of ideas or artistic expression, nor to regulate the behavior of individuals in the privacy of their own residences. This ordinance is enacted for promoting and protecting the general welfare, public safety, public order, and morals of the people of the Town of North Berwick, Maine.

Section 2: Definitions

2.1 "Commercial Enterprise" means any business, corporation, association, partnership, or natural person; or any trustee, lessee, agent, assign or any other legal entity of the above.

2.3 "Engage in" means to solicit, produce, direct, finance, physically participate in, compensate others for, further the interest of, or otherwise be involved with the proscribed conduct.

2.2 "Present" means to show, reveal, display or expose to any person.

2.4 "Disseminate" means to import, publish, produce, print, manufacture, distribute, sell, lease, rent, exhibit or display.

2.5 "Exhibit or Exhibition" means any aural, visual, or tactile performance, dramatization, simulation of, show or display which includes any amount of human, animal or animated conduct presented by a live performer or by silhouette.

2.6 "Material" means any printed matter, visual representation or sound recording including but not limited to, books, magazines, motion pictures, photographs, figures, statues or other types of representation or embodiment.

2.7 "Obscene" means any conduct, exhibit or material of a sexual nature which:

2.7.1 To the average individual applying contemporary community standards considered as a whole, appeals to prurient interests;

2.7.2 Presents in a patently offensive manner, actual or simulated sexual acts, sodomy, bestiality, excretory functions, masturbation, direct stimulation of a male, or female or animal genitals, flagellation or torture in the context of sexual acts or gratification, exhibits of male or female genitals, pubic area, buttocks, or the female breast at or below the areola area, and

2.7.3 Considered as a whole lacks serious literary, artistic, political or scientific value.

Section 3: Prohibition:

3.1 It shall be unlawful for any commercial enterprise to present for profit, any obscene exhibitions within the Town of North Berwick.

3.2 It shall be unlawful for any commercial enterprise to engage in for profit, any obscene exhibitions within the Town of North Berwick.

3.3 It shall be unlawful for any commercial enterprise to disseminate any obscene materials for profit within the Town of North Berwick.

3.4 It shall be unlawful for any commercial enterprise to solicit, permit, promote, or assist any commercial enterprise or private person to present, engage in or disseminate any obscene exhibit or materials within the Town of North Berwick.

TOWN OF NORTH BERWICK, MAINE 03906

3.5 It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer, agent, owner, manager or employee of a commercial enterprise to expose his or her genitals, pubic hair, buttocks, anus or to expose any portion of the female breasts at or below the areola thereof.

3.6 It shall be unlawful for a person to cause, permit, procure, counsel, encourage or assist any person to expose himself or herself as prohibited by Section 3.5 of the Ordinance.

Section 4: Exceptions:

4.1 This ordinance is not intended to regulate any established and existing school, church, museum, private or public library or governmental agency, nor their libraries or collections as they may exist under state, local or federal law.

4.2 This ordinance is not intended to regulate any conduct expressly regulated by existing state statutes.

Section 5: Penalty:

5.1 Any conduct made unlawful by this ordinance and any violation of this ordinance shall be punishable by a fine of Five Hundred Dollars (\$500.00) for each offense, payable to the Town of North Berwick. Each day that such unlawful act or violation continues shall be considered a separate violation. The fine or fines shall be assessed by the Selectmen of North Berwick as well as any legal costs incurred by the Town of North Berwick in collecting such fines.

5.2 In addition to any other penalty provided by law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violations.

Section 6: Severability:

6.1 If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.