

ORDINANCE

AN ORDINANCE RELATING TO THE DISTRIBUTION FOR SALE, LENDING, RENTAL, LEASING, GIVING, ADVERTISING, PUBLISHING, EXHIBITING OR OTHERWISE DISSEMINATING TO ANY PERSON ANY OBSCENE MATERIAL OF ANY DESCRIPTION, KNOWING THE OBSCENE NATURE THEREOF, OR WHO POSSESSES SUCH MATERIAL WITH THE INTENT TO DO SO, DEFINING OBSCENE MATERIAL; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:

SECTION 1. A person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, exhibits 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 2. Material is obscene if considered as 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.

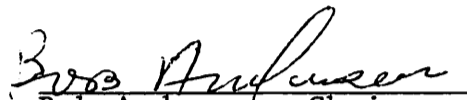
SECTION 3. Material, not otherwise obscene, may be deemed obscene if the distribution thereof, or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

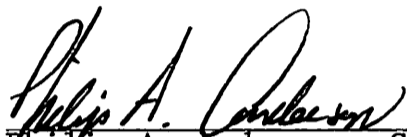
SECTION 4. Any person violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and be punished by a term of imprisonment not to exceed 60 days or a fine not to exceed \$500.00, or both.

SECTION 5. A certified copy of this ordinance shall be filed in the Office of the Secretary of State by the Clerk of this Board within five (5) days after enactment, and this ordinance shall take effect upon receipt of official acknowledgement that said ordinance has been so filed.

SECTION 6. If any word, phrase, sentence, paragraph, or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

ADOPTED by the Board of County Commissioners this 12th day of July, 1977

  
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Bob Anderson, Chairman

ATTEST:   
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Philip A. Anderson, Clerk