

ORDINANCE NO. 833

An Ordinance Amending the Code of Ordinances, City of Slidell, Louisiana, Chapter 9, Section 9.3, Article 68 relative to the crime of obscenity.

BE IT ENACTED BY THE MAYOR AND BOARD OF ALDERMEN OF CITY OF SLIDELL, LOUISIANA IN LEGAL SESSION CONVENED:

Section 9.3, Article 68 of the Code of Ordinances, City of Slidell, Louisiana is hereby amended and re-enacted to read as follows:

A. For the purposes of this ordinance the following definitions shall apply.

- (1) The word, literature, as used in this ordinance means and includes a book, pamphlet, newspaper, leaflet, brochure, circular, story paper, folder, handbill, magazine or other written or printed composition. The word picture, as used in this ordinance means and includes any photograph, lithograph, drawing, motion picture film, sketch, abstract, poster, painting, figure, image, silhouette, representation or facsimile. The word reproduction, means any phonograph record, wire or tape recording and other mechanical or electronic recording or device which may or may not require mechanical or other means to be transmitted into auditory, visual or sensory representation.
- (2) Sexually indecent means the following:
 - (a) The act of masturbation, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, ~~buttocks~~ or, if such a person is female, the breast.
 - (b) The condition of the human male or female genitals when in a state of sexual stimulation or arousal.
 - (c) The flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (3) "Obscene" means that quality of any literature, picture or reproduction which meets the following qualifications:
 - (a) The dominant theme, taken as a whole, appeals to a prurient interest in sex.
 - (b) The literature, picture or reproduction is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters.
 - (c) The literature, picture or reproduction is utterly without redeeming social value.
- (4) Intentional means specific or general knowledge or having reason to know or the belief or the reasonable ground for belief which warrants further inspection or inquiry or both of the character and content of

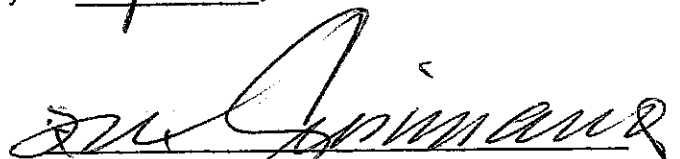
any material or action described herein.

B. "Obscenity" is the intentional:

- (1) Exposure of one's person in a public place in such manner that any part of a sex organ may be seen by another person, with the intent of arousing sexual desire.
- (2) Production, sale, exhibition, gift, or advertisement of any obscene literature, picture or reproduction.
- (3) Possession with the intent to sell, exhibit, give or advertise any obscene literature, picture or reproduction.
- (4) Performance by any person or persons in the presence of another person or persons of any lewd, lascivious or sexually indecent dancing, posing or body movement which primarily appeals to the prurient interest of the average person and which is patently offensive because it affronts contemporary standards relating to the description or representation of sexual matters, and which is utterly without redeeming social value.
- (5) Requirement by a person, as a condition to a sale, allocation, consignment or delivery for resale of any merchandise, object or thing whatsoever to a purchaser or consignee, that such purchaser or consignee receive for resale any literature, picture or reproduction which is obscene, or the denying or threatening to deny any franchise or the imposing of any penalty, financial or otherwise, by reason of the failure of any person to accept obscene literature, pictures, or reproductions.
- (6) Solicitation or attempt to entice any person to commit any act prohibited by this section.

C. Whoever commits the crime of obscenity shall be punished as provided in Section 1 - 8 of this Code of Ordinances.

Duly introduced and adopted this 14th day of April, 1970.


MAYOR

Attest:


CITY CLERK