

ORDINANCE NO. 40

PROHIBITING OBSCENITY

An Ordinance to promote the general health, safety, and welfare of the citizens of the Town of Geneva, Walworth County, Wisconsin, by proscribing certain public nuisances offending public morals and decency.

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain Town of Geneva Ordinance No. 40 as follows:

Section 1. Obscenity Prohibited.

A. Whoever does any of the following, with knowledge of the character and content of the material or performance, is guilty of a violation of this Ordinance:

1. Imports, prints, advertises, sells, has in his or her possession for sale, or publishes, exhibits, or transfers commercially any obscene material; or
2. Advertises, produces, or performs in any obscene performance; or
3. Has in his or her possession, with intent to transfer or exhibit to a person under the age of 18 years, any obscene material.

B. In this Section:

1. "Obscene Material" means a writing, picture, sound recording, or film and "obscene performance" means a live exhibition before an audience which:
 - (a) The average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole; and
 - (b) Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and
 - (c) Lacks serious literary, artistic, political, or scientific value, if taken as a whole.
2. "Sexual Conduct" means the commission or simulation of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, or lewd exhibition of human genitals.

Section 2. Penalty.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days.

Section 3. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Effective Date.

This Ordinance shall be effective from and after its adoption by the Town Board and its posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted the 5th day of April, 1984.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Joseph Deignan, Chairman (Signature on File)

Tim Lockwood, Supervisor (Signature on File)

James W. Walsh, Supervisor (Signature on File)

ATTEST:

Alice Schumacher, Clerk (Signature on File)