

TOWN OF NORRIDGEWOCK
OBSCENITY ORDINANCE

Section 1 – Definitions.

1. As used in this Chapter, the following words shall have the following meanings:

A. “Obscene” means material or a performance that:

- (1) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
- (2) depicts or describes:
 - (a) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - (b) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
- (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

- B. “Material” means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device.
- C. “Performance” means a play, motion picture, dance, or other exhibition performed before an audience.
- D. “Patently offensive” means so offensive on its face as to be intolerable to the average person, applying contemporary community standards.
- E. “Prurient interest in sex” means a shameful or morbid interest in sex..
- F. “Promote” means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.
- G. “Wholesale promote” means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale.

H. "Obscene device" means a device including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs.

2. If any of the depictions or descriptions of sexual conduct described in this section are declared by a court of competent jurisdiction to be unlawfully included herein, this declaration shall not invalidate this section as to other patently offensive sexual conduct included herein.

Section 2 – Obscenity.

1. A person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device.
2. An offense under Subsection 1. of this section is punishable by a penalty of not less than \$50.00 nor more than \$500.00. Each day an offense under subsection 1. continues shall be a separate offense