

AN ORDINANCE AMENDING SECTION 4.501
OF THE ORDINANCE ENACTED NOVEMBER 20,
1964; PROHIBITING THE USE OF ANY
BUILDING OR LAND FOR THE PROMOTING OR
SALE OF OBSCENE MATERIALS.

4.501(a) No building, structure or land shall be used or occupied by any person, corporation, partnership or unincorporated association to:

- (1) display or cause or permit the display of any obscene materials in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare;
- (2) sell, lend, distribute, exhibit, give away or show any obscene materials to any person 17 years of age or older or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person 17 years of age or older, or knowingly advertise any obscene materials in any manner;
- (3) design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials;
- (4) write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had; or
- (5) hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this subsection.

4.501(b) As used in section 4.501(a) the following words and phrases shall have the meanings given to them in this subsection:

- (1) "Community." For the purpose of applying the "contemporary community standards" in this section, community means the State.
- (2) "Obscene materials." Any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing, and any figure, visual representation, or image including any drawing, photograph, picture or motion picture, if:
 - (a) the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
 - (b) the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section; and
 - (c) the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.
- (3) "Sexual conduct." Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.
- (4) "Transportation facility." Any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, rail, motor vehicle or any other method, including aircraft, watercraft, railroad cars, buses, and air, boat, railroad and bus terminals and stations.

ORDAINED AND ENACTED this 5th day of October, 1979.

Board of Supervisors of the Township
of Rush, Schuylkill County, Penna.

Joseph J. Sutz

Chester Purnell

Herbert C. Kopper