

ORDINANCE NO. 572

AN ORDINANCE PROSCRIBING THE DISSEMINATION OF OBSCENE MATERIAL; DECLARING SUCH ACTS TO BE A PUBLIC NUISANCE; PROVIDING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: It is unlawful for any person to disseminate obscene material in the City of Canby.

Section 2: The term "disseminate" as used in Section 1 means to knowingly make, exhibit, sell, loan, deliver, provide, offer, distribute, publish, print or offer to do either of the foregoing.

Section 3: The term "obscene" as used in Section 1 means:

(a) That to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.

(b) The material depicts or describes in a patently offensive manner sadomasochistic abuse or sexual conduct.

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(c) Taken as a whole the material lacks serious literary, artistic, political or scientific value.

Section 4: Disseminating obscene material in the City of Canby is hereby declared to be a public nuisance regardless of whether the nuisance has existed but has temporarily ceased if there is good and sufficient cause to believe that the nuisance will be maintained in the future.

Section 5: When it appears to the City Attorney that a public nuisance exists under Section 4 the City Attorney is authorized to institute an appropriate suit in equity in the Circuit Court

in the name of the City and abate and temporarily and permanently enjoin the nuisance.

Section 6: Every person who violates this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or six months imprisonment in the County Jail or by both such fine and imprisonment.

Section 7: It being deemed by the Canby City Council that an emergency exists this ordinance shall take effect immediately upon its final passage by the Council.

Passed on first reading at a regular meeting of the Canby City Council on the 17th day of September, 1973; ordered posted in three public and conspicuous places in the City of Canby for a period of two full calendar weeks as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof on the 15th day of October, 1973 at the hour of 8:00 o'clock P.M., Oregon Daylight Saving Time, at the Canby City Hall.

ATTEST:

Shirley M. Dick
Acting City Recorder

Paul N. Roth
Paul N. Roth - Mayor

Passed on second and final reading at a meeting of the Canby City Council held on the 15th day of October, 1973, by the following vote: Yeas 4. Nays 2.

ATTEST:

J. R. Richardson
J. R. Richardson - City Recorder

Paul N. Roth
Paul N. Roth - Mayor