

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CODE OF THE CITY OF WEST MIAMI, FLORIDA, BY ADDING THERE- TO AS SECTION 14-24, A SECTION DEFIN- ING OBSCENE MATERIAL, PROHIBITING SALE AND DISTRIBUTION THEREOF, PRESCRIBING PENALTY FOR VIOLATION, PROVIDING FOR EFFECTIVE DATE, AND PROVIDING FOR IN- CLUSION OF ORDINANCE IN CITY CODE

BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. That the Code of the City of West Miami, Florida, is hereby amended by adding thereto as Section 14-24 the following:

"Sec. 14-24. Distributing Obscene Material.

(a) A person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent so to do.

(b) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

(c) Material, not otherwise obscene, may be deemed obscene under this section if the distribution thereof, or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotice solely for the sake of their prurient appeal.

(d) A person convicted of distributing obscene material shall, upon conviction, be punished as provided in Section 1-8."

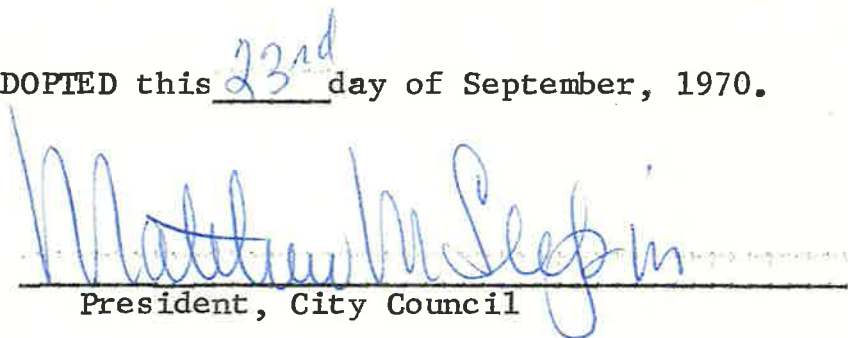
Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars, or be imprisoned in the City Jail not exceeding sixty days, or by both such fine and imprisonment.

Section 3. If any provision or portion of this Ordinance shall be declared to be invalid the remaining portion shall not be affected, but shall remain in full force and effect.

Section 4. This Ordinance shall become effective October 1, 1970.

Section 5. This Ordinance is enacted pursuant to Article I, Section 28 of the City Charter, and shall be incorporated into the City Code and for such purpose may be renumbered or relettered.

PASSED and ADOPTED this 23rd day of September, 1970.



President, City Council

Attest:



City Clerk

APPROVED:



Mayor