

OBSCENE VIDEO GAME CONTROL
TOWNSHIP OF PINCONNING, BAY COUNTY, MICHIGAN

Ordinance Number: 16-89A; Effective August 10th, 1989

WHEREAS, the Township Board of the Township of Pinconning, County of Bay, State of Michigan, deems it necessary for the preservation of the health, safety, general welfare and morals of the residents of the Township of Pinconning to prevent and prohibit the showing, sale, or offering for sale of sexually explicit materials, writings and performances within the Township of Pinconning.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. TITLE.

This Ordinance shall be known as and cited as the Obscene Video Game Control Ordinance.

SECTION 2. PURPOSE.

This Ordinance is enacted by the Township to prevent and prohibit the public display of obscene materials by means of video games.

SECTION 3. DEFINITIONS.

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) Township: The Township of Pinconning.
- (b) Obscene: Applying community standards, the matter is as follows:

- (1) The predominant appeal of the matter taken as a whole is to prurient interest;

- (2) The matter depicts or describes, in a patently offensive manner, sexual conduct regulated by the statutes of the State of Michigan; and

- (3) Taken as a whole, the work lacks serious literary, artistic, political or scientific value.

(c) Obscene video game: Any video game, any part of which is obscene.

(d) Video game: Any game using graphic representations appearing on a screen, the progress of which is controlled in part by the individual or individuals playing the game.

SECTION 4. OBSCENE VIDEO GAMES PROHIBITED.

No person, firm or corporation shall offer for play by the public, in any place open to the public in the Township, any obscene video game. This prohibition shall apply whether a charge is made for the game or not.

SECTION 5. SALE PROHIBITED.

No person, firm or corporation shall sell or offer for sale, anywhere in the Township, any obscene video game.

SECTION 6. RENTAL PROHIBITED.

No person, firm or corporation shall rent or offer for rent, anywhere in the Township, any obscene video game.

SECTION 7. NUISANCE - INJUNCTION.

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief or penalty provided by this ordinance, the Township may apply to the Circuit Court for the County of Bay for an order abating such nuisance.

SECTION 8. SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

SECTION 9. PENALTY.

Any person, firm or corporation violating any provision of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) or confined to the county jail for not to exceed ninety days, or both, at the discretion of the Court, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

This ordinance shall be published in a newspaper of general circulation within the Township within ten (10) days after its adoption and shall become effective thirty (30) days after such publication.

Adopted at a regularly scheduled meeting of the Township Board of the Township of Pinconning held at the Township Hall on the 10th day of July, 1989.

YAYS:

R. Tillery
R. K. Kinkor
R. Doan
M. Bergeron
L. Givater

NAYS:

CERTIFICATION

The undersigned being the duly elected and serving Clerk of the Township of Pinconning does hereby certify the foregoing ordinance as duly adopted at a regularly scheduled meeting of the Township Board held at the Township Hall on the 10th day of July, 1989.

John W. Piggott

Township Clerk

Prepared By:
SEWARD, TALLY & PIGGOTT, P.C.
BY: JOHN W. PIGGOTT
JWP/jaj/00/00
JAJDOC03/JWP2

