# 533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

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OH
Sheffield Lake
Codified Ordinances of Sheffield Lake, OH
533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.
CHAPTER 533 Obscenity and Sex Offenses
533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile’s parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or the defendant’s agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or

present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

(f) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this subsection, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, a violation of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

(1) Falsely represent that he is the parent, guardian or spouse of such juvenile;

(2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he is eighteen years of age or over or married;

(2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing

it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense. (ORC 2907.311)

533.14 PROHIBITION OF CHILD PORNOGRAPHY.

(a) No person with knowledge of the character of material, shall do any of the following:

(1) Possess or control any obscene material that has a minor as one of the participants.

(2) Possess or control any material that shows a minor participating or engaging in sexual activity, masturbation or bestiality.

(3) Possess or control any nudity oriented matter that shows a minor who is not the person’s child or ward, unless one of the following applies:

A. The material is possessed for a bona fide artistic, medical, scientific, educational, religious, governmental, judicial or other proper purpose by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge or other person having a proper interest in the material or performance.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 10-89. Passed 2-14-89.)

533.15 AFFIRMATIVE DEFENSES.

It is an affirmative defense to a charge under this section, involving material or a performance which is obscene or harmful to juveniles, that such material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(Ord. 10-89. Passed 2-14-89.)

533.16 UNLAWFUL DISPLAY OF MATERIALS HARMFUL TO JUVENILES.

(a) No person, having control or supervision of any business or commercial establishment or premises, with knowledge of its character of the material involved, shall:

(1) Exhibit or display for sale any material which is harmful to juveniles unless the material is exhibited or displayed in a portion of the business premises which is inaccessible to juveniles or unless the material is exhibited or displayed in a manner which prohibits examination or observation by juveniles.

(b) Whoever violates this section is guilty of furnishing material harmful to juveniles, a misdemeanor of the first degree. (Ord. 10-89. Passed 2-14-89.)

533.17 UNLAWFUL EXPOSURE BY WAITERS, WAITRESSES AND ENTERTAINERS.

No person who, while acting as a waiter, waitress or entertainer, in an establishment which serves food, beverages or food and beverages including, but not limited to, alcoholic beverages for consumption on the premises of the establishment:

(a) Expose his or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region; or

(b) Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(c) Exposes any portion of the female breast at or below the areola thereof.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 10-89. Passed 2-14-89.)

533.18 COUNSELING OR ASSISTING UNLAWFUL EXPOSURE PROHIBITED.

(a) No person shall cause, permit, procure, counsel or assist any person to expose or simulate exposure as prohibited in Section 533.17.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 10-89. Passed 2-14-89.)

533.19 EMPLOYMENT OR PAYMENT NOT NECESSARY FOR OFFENSE.

A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

(Ord. 10-89. Passed 2-14-89.)

533.20 EXPOSURE TO PERFORMERS IN PUBLIC PROHIBITED.

No person shall, while participating in any live act, demonstration or exhibition, in any public place, place open to the public, or place open to public view:

(a) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region; or

(b) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(c) Exposes any portion of the female breast at or below the areola thereof;

(d) Commits actual or simulated touching, caressing or fondling on the breasts, buttocks, anus or genitals.

(e) Displays films or pictures depicting acts, a live performance of which would be prohibited by this section.

(f) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 10-89. Passed 2-14-89.)

533.21 COUNSELING OR ASSISTING UNLAWFUL PUBLIC EXPOSURE PROHIBITED.

(a) No person shall cause, permit, procure, counsel or assist any person to expose or simulate exposure as prohibited in Section 533.20.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 10-89. Passed 2-14-89.)

533.22 EXEMPTION OF THEATRICAL ESTABLISHMENTS.

The provisions of Section 533.20 shall not apply to a theater, which is primarily devoted to theatrical performances. (Ord. 10-89. Passed 2-14-89.)

533.23 PROHIBITION OF CERTAIN SEXUALLY ORIENTED OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF SCHOOLS, PARKS OR LIBRARIES.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to any sexual offense involving a minor or repeat sexually oriented offense that is not a registration- exempt sexually oriented offense shall establish a residence or occupy residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake.

(b) If a person to whom this section applies violates this section by establishing a residence or occupying residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake, the Director of Law has a cause of action for injunctive relief against the person. The City of Sheffield Lake shall not be required to prove irreparable harm in order to obtain the relief.

(c) The City of Sheffield Lake adopts the provisions of the law of Ohio now or hereafter in effect

concerning the definition, determination, registration, or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a child-victim or repeat sexually oriented offense that is not a registration-exempt sexually oriented offense.

(d) The City Council of the City of Sheffield Lake finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, public parks, and libraries, certain persons who have been convicted of, or have plead guilty to a child-victim or repeat sexually oriented offense must not establish a residence or occupy residential premises within one thousand feet (1,000) of any school premises, public park, or library.

(e) The Council of the City of Sheffield Lake adopts the determinations and intent of the Ohio General Assembly as articulated in Ohio Revised Code Section 2950.02.

(f) The City of Sheffield Lake adopts the definitions now and hereafter in effect for school premises, public parks, or library as defined by the law of Ohio.

(g) It is hereby declared to be the intention of the Council of the City of Sheffield Lake that the sections, paragraphs, sentences, clauses, and words of this section are severable and if any word, clause, sentence, paragraph, or section of this section shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses sentences, paragraphs, and sections of this section, because the same would have been enacted by the Council of the City of Sheffield Lake without the incorporation in this section of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.

(h) Anyone presently affected by this section and its inclusion of parks shall not be required to leave their current residence as a result of the enactment of this section.

(i) All present and future registered sexual offenders residing within the City of Sheffield Lake shall be required to register with the Chief of Police.

(j) Failure of all present and future sexual offenders to register with the Chief of Police will be punishable as a first degree misdemeanor.

(Ord. 48-11. Passed 10-25-11.)

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- Ord. 10-89
- order to obtain the relief
- ords of this section are severable and if any word, clause, sentence, paragraph, or section of this section shall be declared unconstitutional or otherwise invalid by the valid judgme
- ords, clauses sentences, paragraphs, and sections of this section, because the same would have been enacted by the Council of the City of Sheffield Lake without the incorporation in t
- ord, clause, sentence, paragraph, or section
- Ord. 48-11
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