

MADISON COUNTY, KENTUCKY

ORDINANCE

No. 82-6

AN ORDINANCE relating to the distribution and display of sexually explicit material to minors.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY:

(a) Purpose. It is the purpose of this ordinance to regulate the direct commercial distribution of certain explicit sexual materials to minors in order to aid parents and guardians in supervising and controlling the access of minors to such material. The commission finds that whatever social value such material may have for minors can adequately be served by its availability to young persons through their parents or guardians. It is also the purpose of this ordinance to prohibit open public display of certain explicit sexual materials, in order to protect persons from potential offense through involuntary exposure to such materials.

(b) Definitions. For the purposes of this section:

(1) Explicit sexual material means any pictorial or three-dimensional material, motion picture, still picture, photograph, book, pocketbook, pamphlet or magazine, the cover or contents of which depict:

- a. Human sexual intercourse, masturbation, sodomy, bestiality, oral or anal intercourse;
- b. Direct physical stimulation of unclothed genitals;
- c. Flagellation or torture in the context of a sexual relationship;
- d. Or which emphasizes the depiction of adult human genitals, buttocks or the female breast;

Provided, however, that works of art or of anthropological significance or materials when presented in a program of education in a church, school or college shall not be deemed to be within the foregoing definitions.

(2) Disseminate means to sell, lease or exhibit commercially and, in the case of an exhibition, to sell an admission ticket or pass, or to admit persons who have bought such a ticket or pass to the premises whereon an exhibition is presented.

(3) Display for sale in an area to which minors have access means display where minors are able to see it.

(4) Material is placed upon "public display" if it is placed on or in a billboard, viewing screen, theatre marquee, movie screen, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of "explicit sexual material" is easily visible from a public thoroughfare or from the property of others.

(5) Knowingly means having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both of the following:

a. The character and contents of any material described herein which is reasonably susceptible of examination, and

b. The age of the person; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if a reasonable bona fide attempt is made to ascertain the true age of the person.

(6) Minor shall mean a person less than eighteen (18) years of age,

(c) Offenses defined. A person is guilty of a violation of this section if he or she

(1) Knowingly disseminates explicit sexual material to a minor or

(2) Knowingly displays "explicit sexual material" for sale in an area to which minors have access, unless such material has artistic, literary, historical, scientific, medical, educational or other similar social value for adults and access to such material is limited to adults, or

(3) Knowingly places explicit sexual material upon public display, or if he knowingly fails to take prompt action to remove such a display from property in his possession after learning of its existence.

(d) Defenses. It shall be an affirmative defense to a prosecution under this section for the defendants to show:

(1) That the dissemination was made with the consent of a parent or guardian of the recipient or that the defendant was misled as to the existence of parental consent by a misrepresentation made by a person holding himself out as a parent or guardian of the recipient, or that the dissemination was made to the recipient by his teacher, or clergyman in the discharge of official responsibilities;

(2) That the recipient was married.

(e) Exemption for broadcast. The prohibition of this section shall not apply to broadcasts of telecasts through facilities licensed under the Federal Communications Act, 47 U.S.C. Section 201 et seq.

(f) Penalties. Any person violating any provision of this section shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned not less than thirty (30) days or more than twelve (12) months, or both. This section shall not apply to any offense which is a felony under the Kentucky Revised Statutes. After receiving notice of above offense, each day shall constitute a separate offense.

MOTION TO ADOPT: Darrell Wells

ATTEST: \_\_\_\_\_

SECONDED BY: Larry Combs

C. S. WAGERS  
COUNTY CLERK

ROLL CALL VOTE: 4/20/82

ROLL CALL VOTE: 5/4/82

JUDGE HAROLD BOTNER YES

JUDGE HAROLD BOTNER YES

MAGISTRATE CHENAULT YES

MAGISTRATE CHENAULT YES

MAGISTRATE PARKS YES

MAGISTRATE PARKS YES

MAGISTRATE WELLS YES

MAGISTRATE WELLS YES

MAGISTRATE COMBS YES

MAGISTRATE COMBS YES

MAY

Term,

4th

Day

4th

Day of, MAY

19 82

FORM O-7-7

COURT MET

REGULAR TERM

HONORABLE HAROLD BOTNER, COUNTY JUDGE/EXECUTIVE PRESIDING:

The Madison County Fiscal Court convened in regular session on the 4th day of May, 1982 at the hour of 9:00 A. M. Present was the Honorable Harold Botner in the chair presiding and the following members of the Fiscal Court: Farris Parks, Edward Chenault, Darrell Wells and Larry Combs. County Attorney William G. Clouse Jr. was also present.

It being determined a quorum was present the meeting was called to order.

Motion by Larry Combs, seconded by Edward Chenault that the minutes of the regular meeting of April 20th, 1982 be approved.

Motion carried.

IN RE: ORDINANCE #82-6  
SEXUALLY EXPLICIT MATERIAL(DISTRIBUTION OF)

## MADISON COUNTY, KENTUCKY

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MAY Term, 4th Day 4th Day of, MAY 19 82

FORM O-7-T

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MAY Term, 4th Day 4th Day of, MAY 19 82

FORM 0-7-T

MOTION TO ADOPT: <u>Darrell Wells</u>	ATTEST: _____
SECONDED BY: <u>Larry Combs</u>	C. S. WAGERS COUNTY CLERK
ROLL CALL VOTE: <u>4/20/82</u>	ROLL CALL VOTE: <u>5/4/82</u>
JUDGE HAROLD BOTNER <u>YES</u>	JUDGE HAROLD BOTNER <u>YES</u>
MAGISTRATE CHENAULT <u>YES</u>	MAGISTRATE CHENAULT <u>YES</u>
MAGISTRATE PARKS <u>YES</u>	MAGISTRATE PARKS <u>YES</u>
MAGISTRATE WELLS <u>YES</u>	MAGISTRATE WELLS <u>YES</u>
MAGISTRATE COMBS <u>YES</u>	MAGISTRATE COMBS <u>YES</u>

MOTION CARRIED.

IN RE: ROADS (BIDS ON OIL, GASOLINE, ETC.)

Motion by Edward Chenault, seconded by Darrell Wells, that the Court advertise for bids for oil, gasoline, kerosene, diesel fuel, lubricants, rock and truck tires for the County Road Department for the Fiscal Year 1982-83.

Vote is as follows:

Chenault-Yes	Parks-Yes
Wells-Yes	Combs-Yes
Botner-Yes	

Motion carried.

IN RE: ORDINANCE #82-8 (SPECIFICATION FOR COUNTY ROADS  
ROADS-ORDINANCE #82-8

ORDINANCE  
82- 8

AN ORDINANCE to repeal Ordinance 82-1 and adopt a revised ordinance relating to a construction, maintenance and acceptance of roads in the Madison County Road system.

BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY, COMMONWEALTH OF KENTUCKY:

## COUNTY ROAD REGULATIONS

## 100. MINIMUM SPECIFICATIONS FOR COUNTY ROADS

101. Fifty (50) foot right of way thirty foot (30) minimum between ditch line. Exceptions may be made by the fiscal court for roads constructed before January 1, 1980.

102. All county roads must be paved with blacktop or have a concrete surface.

103. Width 16 feet blacktop or concrete.

104. Two (2) foot shoulder of each side. Exceptions may be made by the fiscal court for roads constructed before January 1, 1980.

105. The owners shall be required to notify the County Judge Executive and County Road Supervisor (Engineer) in writing at the beginning of the street or road development. The letter shall include an approved plat of the development showing roads and lots. The owner shall notify the Road Supervisor during each of the three major phases of construction grade and level, application of crushed limestone base, and application of blacktop or concrete for Road Supervisor and the Court's examination.