

**OBSCENE VIDEO GAME CONTROL
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 48 adopted Nov. 10, 1987**

WHEREAS, the Township Board of the Township of Frankenlust, 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 Frankenlust to prevent and prohibit the showing, sale, or offering for sale of sexually explicit materials, writings and performances within the Township of Frankenlust.

THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN ORDAINS:

Sec. 1. TITLE.

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

(ord. no. 48 adopted Nov. 10, 1987)

Sec. 2. PURPOSE.

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

(ord. no. 48 adopted Nov. 10, 1987)

Sec. 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 Frankenlust.
- 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.
(ord. no. 48 adopted Nov. 10, 1987)

Sec. 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.
(ord. no. 43 adopted Nov. 10, 1987)

Sec. 5. **SALE PROHIBITED.**

No person, firm or corporation shall sell or offer for sale, anywhere in the Township, any obscene video game.
(ord. no. 48 adopted Nov. 10, 1987)

Sec. 6. **RENTAL PROHIBITED.**

No person, firm or corporation shall rent or offer for rent, anywhere in the Township, any obscene video game.
(ord. no. 48 adopted Nov. 10, 1987)

Sec. 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.
(ord. no. 48 adopted Nov. 10, 1987)

Sec. 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.
(ord. no. 48 adopted Nov. 10, 1987)

Sec. 9. **PENALTY.**

Any person, firm or corporation violating any provision of this Ordinance shall be fined not more than one hundred dollars 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.

(ord. no. 48 adopted Nov. 10, 1987)

EFFECTIVE DATE.

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.

(ord. no. 48 adopted Nov. 10, 1987)(Rev. 9/89)