ORDINANCE NO. 1384

AN ORDINANCE ADDING SECTIONS 18.20 THROUGH 18.26 TO CHAPTER 18 OF THE SOLANO COUNTY CODE, ENTITLED ADULT READING MATERIAL

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Article II entitled "Adult Reading Material", consisting of Sections 18.20 through 18.26, is hereby added to Chapter 18 of the Solano County Code to read as follows:

ARTICLE II

Section 18.20. Legislative findings. The county board of supervisors does find that there exists and has existed the display of adult reading material at grocery stores, convenience stores, drug stores, newsracks, and other retail outlets within the unincorporated areas of the county. Said adult reading material has been displayed within the open view of children and maybe easily accessible to them. The board finds and declares that it is necessary to restrict the display of adult reading material to juveniles and to adopt the following regulations so that the adverse impact upon the welfare of the children from this sexually explicit material is kept to a minimum.

Section 18.21. Definitions. As used in article II of this chapter, the following words and phrases shall have the following meanings:

"Adult reading material," means any magazine or newspaper which contains on the cover any photograph, picture, drawing, or depiction of any of the following which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to:

(a) The exposure of the entire nipple area or entire areola area of any female breast or breasts, except those of infants.

(b) The exposure of the entire genitalia or buttocks of either male or female, except those of infants.

This definition of "adult reading material" does not include any of the following types of publications, which the board finds by their context or pervasiveness do not present a similar public problem with respect to children:
(a) Any art or photography publication which devotes at least 25% of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography;

(b) Any news periodical which reports or describes current events, and which, from time to time, publishes photographs of nude or semi-nude persons in connection with dissemination of the news;

(c) Publications which describe and report on different cultures, and which may, from time to time, publish photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the publication; or

(d) Medical publications or bona fide educational publications.

"Person" means any individual, partnership, firm, association, corporation, or other legal entity.

"Display" shall mean 1) exhibiting for sale from newsracks, newsstands, or shelves, located on or in the public right-of-way, in a manner which exposes to public view adult reading material, or 2) exhibiting for sale from racks or shelves in the immediate vicinity of a checkout counter or a cash register of any grocery store, convenience store, drug store, or similar general retail store in a manner which exposes adult reading material to customers waiting to pay for retail items purchased at the store.

Section 18.22. Display of adult reading material - limited. No person shall display adult reading material, or permit, or allow the display of adult reading material, except as follows: The shelf, rack, stand or ledge upon which adult reading material is displayed for sale shall have an opaque screen or border of sufficient height so that only the title of any adult reading material is visible.

Section 18.23. Violations. Any violation of the provisions of Sections 18.20 through 18.22 shall be unlawful and subject to punishment as a criminal offense, as provided under Chapter 1, Section 1-7 of the Solano County Code. Every day any violation of the sections shall continue shall constitute a separate offense.

Section 18.24. Exceptions. Section 18.22 shall not apply to any establishment or portion thereof where, in fact, the entry of any person under 18 years of age is prohibited, and which has notice posted accordingly.

Section 18.25. Public nuisance. In addition to the criminal penalty provisions provided by the provisions of the Solano County Code, violation of any section or sections of this article II is declared to be a public nuisance, and may be abated by the county.
Section 18.26. Uniformity. It is the intention of the board of supervisors that the provisions of this article shall be consistent with the provisions of similar ordinances adopted by the various cities in the county. This uniformity is necessary to insure that the merchants located in the adjoining unincorporated and the incorporated areas of the county are subject to the same limitations, and neither are at a competitive disadvantage.

SECTION II.

A Summary of this Ordinance shall be published once before the expiration of Fifteen (15) Days after its final passage in the Fairfield Daily Republic, a newspaper of general circulation, printed and published in the County of Solano, State of California, and the Ordinance shall be in full force and effect Thirty (30) Days after its passage.

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Summary of an Ordinance was introduced at a regular meeting thereof held on the 26th day of March, 1991.

On the motion of Supervisor Carroll and the second of Supervisor Simmons, this Summary of an Ordinance was adopted at a regular meeting of said Board on this 16th day of April, 1991, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Simmons and Chairman Davis

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: Stewart

WITNESS my hand and the Seal of said Board this 16th day of April, 1991.

LINDA L. TERRA, Clerk of the Board of Supervisors

By LINDA L. TERRA