

ARTICLE II. ADULT READING MATERIAL

Sec. 21-30. Legislative findings

The county board of supervisors finds that there exists and has existed the display of adult reading material at grocery stores, convenience stores, drug stores, news racks, and other retail outlets within the unincorporated areas of the county. The 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.

(Ord. No. 1691, §2)

Sec. 21-31. Definitions

As used in this Article II of this chapter, the following words and phrases shall have the following meanings:

(a) 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:

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

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

(b) 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:

(1) Any art or photograph publication which devotes at least 25% of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography;

(2) 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;

(3) 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

(4) Medical publications or bona fide educational publications.

(c) Person means any individual, partnership, firm, association, corporation, or other legal entity.

(d) Display means 1) exhibiting for sale from news racks, 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.

(Ord. No. 1691, §2)

Sec. 21-32. Display of adult reading material

No person shall display adult reading material, or permit, or allow the display of 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.

(Ord. No. 1691, §2)

Sec. 21-33. Violations

Any violation of the provisions of section 21-30 through 21-32 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.

(Ord. No. 1691, §2)

Sec. 21-34. Exceptions

Section 21-32 shall not apply to any establishment or portion of it where, in fact, the entry of any person under 18 years of age is prohibited, and which has notice posted accordingly.

(Ord. No. 1691, §2)

Sec. 21-35. Public nuisance

Violation of any section or sections of this article II is declared to be a public nuisance, and may be abated by the county.

(Ord. No. 1691, §2)

Sec. 21-36. 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 incorporated areas of the county are subject to the same limitations, and neither is at a competitive disadvantage.

(Ord. No. 1384, §1; Ord. No. 1691, §2)

(Ord. No. 1149, §1; Ord. No. 1345, §3)