

**ORDINANCE NO. 2492**

**AN ORDINANCE AMENDING CHAPTER III, SECTION 8.3  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED, "OBSCENE MATERIALS; DEFINITIONS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter III, Section 8.3 be and hereby are amended as follows:

**SECTION 1. 3-8.3 Definitions.**

As used in this chapter:

Communication shall mean any electronic audio or visual transmission by radio, cable television or a closed-circuit broadcast, explicit verbal description or narrative account.

Material shall mean any printed matter, visual representation or sound recording. The term includes but is not limited to books, magazines, motion-picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures and tapes or wire recordings or advertisements thereof.

Offensive Nakedness shall mean uncovered or less than opaquely covered post-pubertal human male or female genitals, pubic areas or buttocks or the human female breast, including the area within the outer ring of the nipple (or the breast with the nipple and immediately adjacent area only covered), or the covered human male genitals in a discernibly turgid state.

Performance shall mean any play, motion-picture film, dance or other exhibition, whether pictured, animated, live or recorded, performed in a place of public accommodation before an audience, whether or not restricted exclusively to persons over eighteen (18) years of age.

Sexual Conduct shall mean acts or simulations of masturbation, fondling of genitals, ~~homosexuality~~, bestiality, ~~lesbianism~~,—oral or anal intercourse, sexual intercourse, sadomasochistic abuse, depicting flagellation or torture with or without physical restraint by or upon a person nude or clad in a revealing bizarre costume, excretory function or any lewd exhibition of the genitals.

(1980 Code § 152-3)

**SECTION 2. Invalidation**

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 3.** Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 4.** Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 5.** Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: May 18, 2017

Adopted:

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Mayor

Attest: \_\_\_\_\_  
Borough Clerk