Introduced by: Council Member Robb
Introduction Date January 25, 2011
Public Hearing: February 8, 2011
Action: Fails
Vote: 1-5

CITY OF BETHEL, ALASKA

Ordinance #11-04

AN ORDINANCE REPEALING SECTION 9.12.090 OF THE BETHEL MUNICIPAL CODE OUTLAWING THE SALE OF OBSCENE MATERIAL

WHEREAS, obscenity if very difficult to define;

WHEREAS, civil libertarians have questioned whether any obscenity law violates our first amendment and fourth amendment rights;

WHEREAS, the Supreme Court has set the "basic guidelines", which rely on contemporary community standards, which are objective and difficult to postulate;

WHEREAS, local standards based obscenity laws may be meaningless in the age of the internet;

WHEREAS, this law is unenforceable;

WHEREAS, there have been no prosecutions under this law in memory or on record;

Whereas, this demonstrates that this law is unnecessary and unenforceable;

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Amendment. BMC Section 9.12.090 shall be stricken.

~~9.12.090 Sale of obscene material.~~

~~It is unlawful for any person in the city to print, engrave, sell, offer for sale, give away, exhibit, publish or have in his possession for any such purpose any obscene books, pamphlets, paper, pictures, cast statuary, images or representations or other articles of an obscene nature.~~

SECTION 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

Introduced by:	Council Member Robb
Introduction Date	January 25, 2011
Public Hearing:	February 8, 2011
Action:	Failed
Vote:	1-5

ATTEST:

_____
Eric Middlebrook, Mayor

_____
Lori Strickler, City Clerk