

Chapter 62

OBSCENE AND CRIME PUBLICATIONS

- § 62-1. Word usage.
- § 62-2. Obscene publications prohibited.
- § 62-3. Certain crime publications prohibited.
- § 62-4. Intent where text is not prominently featured.
- § 62-5. News accounts not included.
- § 62-6. Historical publications not included.
- § 62-7. Presumption from display of prohibited publications.
- § 62-8. Violations and penalties.

[**HISTORY:** Adopted by the Mayor and Common Council of the City of Gloucester City 12-27-54. Amendments noted where applicable.]

GENERAL REFERENCES

Obscene motion pictures — See Ch. 83, Theaters.

Be it ordained by Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

- § 62-1. Word usage.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words

used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

§ 62-2. Obscene publications prohibited.

It shall be unlawful and an offense for any person to sell, offer for sale, attempt to sell, exhibit, give away, keep in his possession with intent to sell or give away, or in any way furnish or attempt to furnish to any person any illustrated comic book, magazine or other publication which, read as a whole, is of an obscene nature.

§ 62-3. Certain crime publications prohibited.

It shall be unlawful and an offense for any person to sell, offer for sale, attempt to sell, exhibit, give away, keep in his possession with intent to sell or give away, or in any way furnish or attempt to furnish to any child under the age of eighteen (18) years any "comic" book, magazine or other publication which, read as a whole, is concerned with an account of crime and which depicts, by the use of drawings, the following crimes as defined in the Revised Statutes of the State of New Jersey:

- A. Administering poisonous and injurious potions.
- B. Aggravated assault.
- C. Arson and other willful burning.
- D. Assault in attempting burglary.
- E. Assault to maim or disfigure.
- F. Assault with intent to commit rape.

- G. Assault with intent to commit robbery.
- H. Assault with intent to murder.
- I. Burglary.
- J. False imprisonment.
- K. Kidnapping and abduction.
- L. Maiming and disfiguring.
- M. Malicious mischief.
- N. Murder.
- O. Rape.
- P. Robbery.
- Q. Theft.
- R. Conspiracy to commit any of the foregoing offenses.

§ 62-4. Intent where text is not prominently featured.

It is the intent of this ordinance to include publications where the text is not prominently featured but rather is incidental to the picture, being usually in the "balloons" that indicate the words spoken by the characters.

§ 62-5. News accounts not included.

This ordinance shall not be construed to apply to those accounts of crime which are part of the ordinary and general dissemination of news, nor to such drawings and photographs as are used to illustrate such accounts.

§ 62-6. Historical publications not included.

This ordinance shall not be construed to apply to legitimate, illustrated, historical accounts of crime or crimes.

§ 62-7. Presumption from display of prohibited publications.

If any publication prohibited hereunder shall be displayed in any newsstand, bookstore, drugstore, market or other mercantile establishment where the said prohibited publication may be seen by any child under the age of eighteen (18) years visiting such establishment, such display shall be prima facie evidence that the person in charge of such establishment was then exhibiting the crime "comic" book or other prohibited publication and intended to sell, offer for sale, furnish or attempt to furnish such prohibited publication to a child or children under the age of eighteen (18) years in violation of this ordinance, but it shall be competent for the defendant in any such case to show that no such intention existed.

§ 62-8. Violations and penalties.¹

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500.) or be imprisoned in the county jail for a period of not exceeding ninety (90) days, or be both so fined and imprisoned. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. If more than one (1) publication prohibited hereunder shall be offered, exhibited, kept or displayed in violation of this ordinance, at the same location by the same person, the offer, exhibiting, keeping or display of each separate publication prohibited hereunder shall constitute a separate offense and shall be punished as such hereunder. If two (2) or more publications prohibited hereunder are furnished or sold at the same time by the same person, the sale or furnishing of each shall constitute a separate offense and shall be punishable as such hereunder.

¹ Editor's Note: Amended at time of adoption of Code. See Ch. 1, § 1-6B(1).