

JEFFERSON COUNTY ORDINANCE BARRING MINORS FROM ATTENDING ADULT LIVE PERFORMANCES

Purpose: The purpose of this ordinance is to prohibit minors from attending Adult Live Performances within Jefferson County

Whereas, Adult Live Performances occur within Jefferson County, and

Whereas, Adult Live Performances contain nudity, simulated sexual acts, lewd behavior, and other obscenity, and

Whereas, minors attending Adult Live Performances constitutes an immediate, serious danger to the public health, safety, or welfare, and

Whereas, Chapter 7, Article 1, Section Three-k-k of the West Virginia Code (WV Code §7-1-3kk) authorizes county commissions to enact ordinances and issue orders for elimination of hazards to the public health or safety, and

Whereas, Chapter 7, Article 1, Section 4 of the West Virginia Code (WV Code §7-1-4) authorizes county commissions to enact ordinances regulating obscene matter.

Be it therefore enacted as follows:

I. Definitions

A. “Adult Live Performance” means any show, exhibition, or other presentation in front of a live audience which, (i) in whole or in part (a) is obscene as defined in WV Code §7-1-4(4), (b) depicts, discusses or simulates nudity, sexual conduct, sexual excitement, masturbation, specific sexual activities, lewd conduct, or (c) contains the lewd exposure of real, prosthetic, or imitation genitals, buttocks, or breasts, (ii) appeals to the prurient interest, (iii) lacks serious literary, artistic, political or scientific value, and (iv) is patently offensive to the prevailing standards in the adult community of what is appropriate for a minor child.

B. “Minor Child” means any individual under the age of 18.

C. “Person” means any individual, partnership, firm, association, corporation, or other legal entity.

D. “Knowingly” means having general knowledge of, reason to know, or a belief or ground for belief which warrants further inspection of (i) the age of the child, and/or (ii) the character and content of the adult live performance.

II. Prohibited Activities

A. No person may knowingly permit a minor child to attend an adult live performance within Jefferson County.

B. No person may knowingly perform in an adult live performance in Jefferson County where a minor child is present.

III. Penalties for Violation

A. It is hereby unlawful for any person to violate any provisions of this ordinance.

B. Any person who violates any provision of this ordinance is guilty of a misdemeanor and, upon conviction thereof shall be fined not more than \$500 or imprisoned in the county jail not more than thirty days or both fined and imprisoned.

C. Any person convicted of a second or subsequent offense under this ordinance is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in the county jail not more than six months or both fined and imprisoned.

IV. Severability


The several sections and subsections of this ordinance are severable, and if any section or subsections hereof shall be held unconstitutional, all the remaining sections or subsections shall remain valid.

Be it Therefore Resolved that the Jefferson County Commission hereby adopts this ordinance barring minors from attending adult live performances, which shall be effective immediately.

Adopted by majority vote at a duly called meeting of the County Commission of Jefferson County, West Virginia, where a quorum was present, on the 1st day of June, 2023.

County Commission of Jefferson County,

West Virginia

By:  _____

Its: President, Commissioner