

CITY COUNCIL MEETING
DEC. 8, 1982

PRESENTATION
RE LODI CABLE
T.V. ADULT
ENTERTAINMENT
CHANNELS

A presentation was made by Brenton Bleier under "Comments by the Public on non-agenda items", whereby Mr. Bleier asked the Council to adopt a Resolution relating to the provision of so-called adult entertainment channels by

the Lodi Cable Television and an Ordinance prohibiting showing of sexually explicit cablecast programming to minors without parental presence or permission. Council continued consideration of the matter for additional information until the first meeting in January.

ORDINANCE NO. _____

Adopted by the City Council of the City of Lodi on date of:

DRAFT ORDINANCE PROHIBITING SHOWING OF
SEXUALLY EXPLICIT CABLECAST PROGRAMMING
TO MINORS WITHOUT PARENTAL PRESENCE OR
PERMISSION

WHEREAS, certain television signal providers, hereinafter "Providers", are providing signals by means other than the use of the public airwaves including but not limited to cablecasting and microwave broadcasting; and

WHEREAS, these Providers are offering programming to the general public which is inimical to the mental health and welfare of children under the age of 18 years; and

WHEREAS, the City Council finds that many parents within the City of Lodi wish to prohibit their own children under the age of 18 years from viewing such unhealthy and inappropriate programming.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY ORDAIN, as follows:

1. It shall be unlawful for any person to display, cause to be displayed, or allow to be displayed upon a television receiver under his responsibility, ownership or control certain sexually explicit adult programming, hereinafter "sex programming" as defined below, within the City of Lodi to any child under the age of 18 years unless the parent of said child shall be physically present during such showing or unless the parent of said child shall have given said person the parent's prior written permission for said child to view the sex programming. Said written permission shall be within the physical custody of the person displaying, causing to display or allowing to be displayed such sex programming at the time of the display and shall be available for presentation to any law enforcement officer or official upon request.

2. "Sex programming" as the phrase is used within this ordinance shall be defined as any graphic or pictorial depiction of sexual intercourse or copulation between males and females,

males and males, females and females, males and animals, or females and animals, female or male genitalia, the anus of a male or female or that portion of the female breast which includes the nipple, masturbation or simulated masturbation, oral copulation of the mouth of any person to the genitalia of any other person or animal or that portion of the female breast which includes the nipple, or artificial or simulated sexual organs or genitalia.

3. This ordinance shall have no application to any showing or display of sex programming as defined herein which shall occur as part of an educational program of any institution under the supervision of the State Superintendent of Public Instruction.

4. Violation of this ordinance shall be punishable by imprisonment in the County Jail for a period not to exceed one (1) year or a fine of not to exceed One Thousand Dollars (\$1,000) for each such showing or display.

5. It is the express intent of the City Council in adopting this ordinance to prohibit only the viewing of sex programming as defined herein by children under the age of 18 without the presence or permission of their parents. This ordinance shall not be deemed or construed to affect or restrict in any way whatsoever the right of adults over the age of 18 years to view such sex programming.

ATTEST:

RESOLUTION NO. _____

DRAFT RESOLUTION RELATING TO THE PROVISION
OF SO-CALLED ADULT ENTERTAINMENT CHANNELS
BY LODI CABLE TELEVISION

WHEREAS, this Council has learned of the plans of Lodi Cable Television to provide "the Playboy Channel" as a premium service to its subscribers in Lodi; and

WHEREAS, "the Playboy Channel" is typified by explicit pictorial representation, display and discussion of male and female frontal nudity, male and female genitalia, deviant sexual behavior and practices, copulation, fornication and marital infidelity; and

WHEREAS, the Council finds that such presentations within the homes of the people of the City of Lodi will have a marked and deleterious effect upon the quality of life of all of the citizens of Lodi and particularly its minor children; and

WHEREAS, the Council believes that Lodi Cable Television may not have fully considered the adverse societal impact of this type of presentation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LODI that:

1. It is the sense of the Council that the provision of explicit, so-called adult entertainment programming, such as "the Playboy Channel" is an unfortunate degradation of the cultural life of the City of Lodi and its citizens and is to be deplored.

2. It is the sense of the Council that Lodi Cable Television is to be encouraged to reconsider its decision to cable-cast such programming to the homes of Lodi.

3. It is the sense of the Council that Lodi Cable Television, if it should persist with such programming, should assure the citizens of the City of Lodi, its subscribers and this Council clearly and unequivocally in writing that it will not display such programming on a "preview" or "promotional" basis to its regular subscribers.

4. It is the sense of the Council that if Lodi Cable Television should persist with such programming, it should, at a minimum, mandatorily provide lock box security devices to prevent the unauthorized viewing of this distasteful and unhealthy programming by children who may otherwise have access to the television set.

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