CHAPTER 3

Motion Pictures, Sporting Events and Concerts

ARTICLE 1

General Provisions [Repealed]

**SECTION 52‑3‑10.** Repealed by 1983 Act No. 121, Section 5.

Editor’s Note

Former Section 52‑3‑10, which was derived from 1962 Code Section 5‑101; 1952 Code Section 5‑101; 1942 Code Section 6326; 1932 Code Section 6326; 1931 (37) 376; 1935 (39) 406, provided for cities having between 5,000 and 6,500 population to grant exclusive franchises to operators of motion pictures and other like forms of public amusement and entertainment.

**SECTION 52‑3‑20.** Repealed by 1983 Act No. 121, Section 5.

Editor’s Note

Former Section 52‑3‑20, which was derived from 1962 Code Section 5‑102; 1952 Code Section 5‑102; 1942 Code Section 6326; 1932 Code Section 6326; 1931 (37) 376; 1935 (39) 406, provided that franchises to operators of motion pictures and other forms of public amusement and entertainment not be for longer than 20 years.

**SECTION 52‑3‑30.** Repealed by 1983 Act No. 121, Section 5.

Editor’s Note

Former Section 52‑3‑30, which was derived from 1962 Code Section 5‑103; 1952 Code Section 5‑103; 1947 (45) 107; 1949 (46) 20, 127; 1951 (47) 526; 1952 (47) 1930; 1963 (53) 292; 1964 (53) 2239, 2420; 1967 (55) 642; 1969 (56) 860; 1976 Act No. 5731, established conditions and restrictions with respect to moving pictures, athletic sports, and musical concerts on Sundays.

ARTICLE 3

“X” Rated and Other Offensive Motion Pictures

**SECTION 52‑3‑110.** Showing of “X” rated films or the like in drive‑in theatres unlawful in locations where screen is clearly visible from public roads.

 It shall be unlawful for any person to show a film designated or advertised as being “X” rated or to show any motion picture, slide or exhibit in which the bare buttocks, female breasts or the bare genitals, male or female, of the human body are shown or in which strip‑tease, burlesque or nudist type scenes are shown which would be harmful to children viewing such scenes or to show previews depicting such scenes in any outdoor or drive‑in theatre where the location of the screen on which such film is shown is clearly visible from public roads or highways in the vicinity of such theatre. As used in this article “vicinity of such theatre” shall mean any area within one‑half mile from the location of the theatre screen. Screening, floodlights or other devices to block viewing outside the theatre may be erected by theatre operators and owners, provided such devices do not interfere with motor vehicle traffic in the area around the theatre.

HISTORY: 1962 Code Section 5‑121; 1971 (57) 1027.

LIBRARY REFERENCES

67 C.J.S., Obscenity Sections 1 et seq.

LAW REVIEW AND JOURNAL COMMENTARIES

Constitutional law—Freedom of Expression and the Censor. 22 S.C. L. Rev. 115.

United States Supreme Court Annotations

Constitutionality of regulation of obscene motion pictures—federal cases. 22 L Ed 2d 949.

Governmental regulation of place of amusement, entertainment, or recreation as violating rights of owner or operator under equal protection clause of Federal Constitution’s Fourteenth Amendment—Supreme Court cases. 104 L Ed 2d 1078.

NOTES OF DECISIONS

In general 1

1. In general

Regulation of communicative activity such as exhibition of motion pictures must adhere to more narrowly drawn procedures than are necessary for abatement of ordinary nuisance. Vance v. Universal Amusement Co., Inc., U.S.Tex.1980, 100 S.Ct. 1156, 445 U.S. 308, 63 L.Ed.2d 413, rehearing denied 100 S.Ct. 2177, 446 U.S. 947, 64 L.Ed.2d 804.

**SECTION 52‑3‑120.** Duties of law‑enforcement officers.

 The chief of police of each municipality wherein an outdoor theatre is located or the county sheriff, when such theatre is located outside the corporate limits of a municipality, shall inspect each outdoor theatre in his jurisdiction and notify, in writing, the owners thereof as to whether or not they would be in violation of this article when “X” rated films are shown in their theatres. No charges shall be preferred until such notification has been made.

HISTORY: 1962 Code Section 5‑122; 1971 (57) 1027.

CROSS REFERENCES

Law enforcement and public safety generally, see Sections 23‑1‑15 et seq.

**SECTION 52‑3‑130.** Penalty.

 Any person who violates the provisions of this article after notice as prescribed in Section 52‑3‑120 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned not more than thirty days. Each film showing in violation of this article shall constitute a separate offense.

HISTORY: 1962 Code Section 5‑123; 1971 (57) 1027.