

ORDINANCE NO. 1 - 1996

An ordinance amending the zoning ordinance of the Township of Shenango by conditionally permitting Adult Entertainment establishments in the Industrial Park district, defining certain terms relative to Adult Entertainment establishments, establishing certain minimum spacing and proximity requirements relative to adult entertainment establishments, and amending the Industrial Park district zone to conditionally allow Adult Entertainment establishments in appealing provisions.

WHEREAS, the Board of Supervisors of the Township of Shenango deem it necessary to provide a zoning classification to conditionally permit adult entertainment establishments and to establish certain regulations relative thereto.

NOW, THEREFORE, be it resolved by the Board of Supervisors of the Township of Shenango, County of Lawrence, Commonwealth of Pennsylvania, as follows:

Section 1: The following conditional permitted use is hereby added to Section 608 of Shenango Township's Zoning Ordinance and shall be inserted as Section 608.1 -- Adult Entertainment Establishments.

608.1 Adult Entertainment Establishment:

1. Purpose and Legislative intent:

- A. The location of adult entertainment establishments is of vital concern to the Board of Supervisors of the Township of Shenango especially when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Township residents, in particular the minors of the community.
- B. Supervisors in enacting these regulations relative to adult entertainment establishments exercise the power which has been granted to them. The Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Shenango Township.

2. Definitions

It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article III:

covered.

C. "*Specified sexual activities*" include the following:

- (1) showing of human genitals in a state of sexual stimulation or arousal;
- (2) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
- (3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

3. Minimum Spacing and Proximity Requirements:

- A. No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.
- B. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

- (1) No such establishment shall be located within 1,000 feet of a dwelling.
- (2) No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:

- {a} Amusement park;
- {b} Camp (for minors' activities);
- {c} Child care facility;
- {d} Church;
- {e} Community center;
- {f} Museum;
- {g} Park;
- {h} Playground;
- {i} School and school bus stops;
- {j} Other lands where minors congregate.

- C. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified in subparagraph (B) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.

4. Visibility from the street.

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

5. Sign Requirements for Adult Entertainment Establishments

A. For the purpose of this Article, "adult entertainment establishments" are defined as follows:

(1) *Adult Bookstore* - Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

(a) books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

(b) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(2) *Adult Cabaret* - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

(3) *Adult mini motion picture theater* - An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(4) *Adult model studio* - A motel or similar establishment, offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

(5) *Adult motel* - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

(6) *Adult motion picture arcade* - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(7) *Adult motion picture theater* - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(8) *Adult newsrack* - Any coin-operated machine or device which dispenses material

substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

- (9) *Adult theater* - A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- (10) *Bath House* - An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- (11) *Body painting studio* - Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
- (12) *Massage Parlor* - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (13) *Out call service activity* - An establishment or business which provides an Out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- (14) *Sexual encounter center* - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.
- (15) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

B. "*Specified anatomical areas*" as used herein shall mean and include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of thareolae, or;
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely

- A. All signs shall be flat wall signs.
- B. The gross surface area of a wall-mounted sign shall not exceed 50 square feet.
- C. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window area or any area where they can be viewed from the sidewalk in front of the building.
- D. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one and half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

6. Repealer

Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed except as provided for in this ordinance. However, it is expressly provided that the provisions of this Ordinance shall not affect the validity of and shall be construed consistently with the Revised Zoning Ordinance of Shenango Township as amended. If there is a conflict, the more restrictive provision shall control.

7. Effective Date

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors of Shenango Township.

ENACTED AND ORDAINED this 11 day of July, 1996.

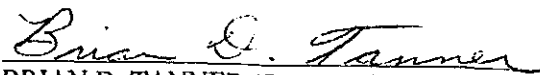
SHENANGO TOWNSHIP BOARD OF SUPERVISORS


RICHARD L. SCHWEINSBERG, Chairman


ANDREW PICCUTA


RICHARD A. FLORA

ATTEST:


BRIAN D. TANNER (Secretary/Treasurer)