

ORDINANCE NO. 139

AN ORDINANCE OF THE TOWNSHIP OF WHITE, BEAVER COUNTY, PENNSYLVANIA, ADDRESSING AND PRESCRIBING PENALTIES FOR VIOLATION OF THE SAME.

WHEREAS, under the current code, Ordinance 81 outlines the Township's position regarding Adult Entertainment;

WHEREAS, currently Ordinance 81 pertaining to Adult Entertainment is being repealed by Ordinance No. 139.

WHEREAS, White Township is charged with ensuring the public health, safety, welfare, and general well being of its residents, owners and tenants alike;

WHEREAS, the Township Commissioners feel it best to provide clear guidelines for a business within the Township wanting to provide Adult Entertainment and related businesses.

THEREFORE, The Board of Supervisors of the Township of White, Beaver County, Pennsylvania, pursuant to the general police power of the Board of Supervisors to enact regulations for the public welfare and the power of the Board of Supervisors to enjoin nuisances, does hereby ordain and enact the following:

A. Adult Businesses

(1). Definitions. For the purposes of this chapter:

(a) ADULT BOOKSTORE: Any commercial establishment in which is offered for sale as a substantial or significant portion of its stock-in-trade videocassettes, digital video discs, movies, books, magazines or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or on activities which, if presented in live presentation, would constitute adult entertainment.

(b) ADULT BUSINESS: An adult bookstore, adult store, store whose merchandise offering are comprised of at least 50% adult items- those distinguished or characterized by their emphasis on nudity or sexual conduct or on activities, commercial movie theater or movie house, adult movie theater or movie house, or other adult entertainment, as defined herein. In the event that an activity or business which might fall under a use category other than adult business is combined with and/or includes activities which constitute an adult bookstore, adult movie theater or movie house or adult entertainment, as defined herein, then such activity or business shall constitute an adult business and shall be governed by those provisions in this chapter applicable to adult business uses and not by provisions applicable to any other use category.

(c) ADULT ENTERTAINMENT: A commercial establishment providing, either as a sole use or in connection with or in addition to other uses, entertainment consisting of the use of nudity or of live dancing, posing, displaying, acting, sexual conduct or other live presentation or use of persons whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to result in or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to produce or resulting in producing lustful emotions.

(d) ADULT MOVIE THEATER OR MOVIE HOUSE: Any commercial movie theater which, on a regular, continuing basis, shows films rated "X" by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct, as defined by this chapter. This includes facilities that provide seating for multiple patrons and/or "booths" for individual patrons.

(2) Criteria for all Adult Businesses, generally.

(a) No Adult Business shall be located within 500 feet of the property boundary line of any: residence, residential district, church or other place of worship, cemetery, school, park or playground, daycare center, premises licensed to sell alcoholic beverages, or other adult business.

(b) Persons or owners who intend to open an adult business must obtain from White Township a license to operate such an enterprise and must pay an annual license fee of \$500 to White Township. In addition, such persons or owners must supply to the Township detailed information as to the ownership and management as required on the licensing application form. This form can be obtained from the Township Office.

(c) An adult business shall be initially licensed, where it has met all ordinance requirements, through December 31 of the year in which the license is issued. For each year thereafter that the adult business intends to continue its business as an adult business, it must seek from the White Township office a renewal of this license. The application for renewal is due in the Office no later than November 1 of the year preceding the year for which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Township to deny or revoke an occupancy permit to an adult business.

(d) No outside advertisements, exhibits or displays, nudity, sexual conduct, as defined by the State Obscenity Code, are allowed.

(e) One parking space shall be provided for every two persons allowed in the facility by building code.

(f) Parking shall be located in front of the establishment but not in the front yard setback.

- (g) The premises shall be screened on the sides and rear by evergreen plantings of at least five feet in height at time of planting.
- (h) No personal contact between employees and/or performers and patrons shall be permitted, this includes "lap dances."
- (i) Hours of operation shall be limited from 10:00 a.m. to 9:00 p.m.
- (j) Alcoholic beverages shall not be permitted on the premises of an adult business.
- (k) Live performances are not allowed to be viewed in any setting from private viewing booths.
- (l) In any facility where live performances are performed, there shall be at least two non-performing employees on duty for every 10 patrons present.
- (m) Minors, anyone under the age of 21 years, shall not be allowed in any Adult Business either as an employee or as a patron.
- (n) Every Adult Business shall have an employee verify proof of age from patrons in order to allow entry into the facility.

(3) Criteria for Adult Movie Theater, in addition to the criteria in

- (a) No more than any one person shall be permitted in a video booth at any one time.
- (b) A guard must be provided at all times in the video area to prevent sexual contact or solicitations or more than one person occupying a booth.
- (c) Employees on duty must have an unobstructed view to any film-viewing-area.
- (d) No viewing areas or rooms can adjoin any other viewing areas or viewing rooms.
- (e) A minimum of one footcandle of illumination, measured at floor level, shall be provided in every area where patrons are provided access.

(4) When reviewing applications for this sort of use, the standards and criteria set forth in Ordinance No. 113 shall also be applied.

(5) Any Adult Business who shall violate this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than THREE HUNDRED (\$300.00) dollars. Each day a violation of this Ordinance continues shall constitute a separate offense.

(6) The Solicitor of the Township of White, Beaver County, Pennsylvania, may institute proceedings in equity in the Court of Common Pleas of Beaver County, Pennsylvania, for the purpose of enjoining any violation or potential violation of this Ordinance.

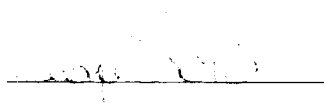
(7) If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of White, Beaver County, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sections or part thereof not been included herein.

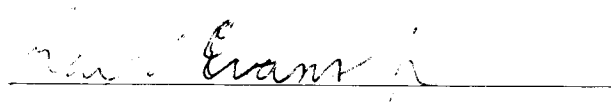
(8) This Ordinance shall become effective immediately upon enactment by the Board of Supervisors.

THIS ORDINANCE WAS ENACTED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WHITE, THIS 9 DAY OF June, 2017.

ATTEST:

BOARD OF SUPERVISORS OF WHITE TOWNSHIP





Chairman

