

ORDINANCE \_\_\_\_\_ - 2010

**RICHLANDTOWN BOROUGH  
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF RICHLANDTOWN AMENDING  
PROVISIONS OF THE CODE OF ORDINANCES**

IT IS HEREBY ENACTED AND ORDAINED, by the Council of Richlandtown Borough, Bucks County, Pennsylvania, as follows:

**Section 1.** Purpose

WHEREAS, The Borough desires to:

- (1) restrict the places in the Borough where Adult Entertainment Businesses (defined below) can locate;
- (2) require a reasonable distance between Adult Entertainment Businesses uses and other uses which are not compatible with Adult Entertainment Businesses uses; and
- (3) prevent an undue concentration and proliferation of Adult Entertainment Businesses uses; and

WHEREAS, The Borough fully respects the fundamental constitutional guarantee of freedom of speech and expression; and

WHEREAS, Pursuant to the authority granted in the Borough Code of the Commonwealth of Pennsylvania to prohibit nuisances; to promote the health, safety and welfare of the citizens of Richlandtown Borough (the "Borough"); and to regulate places of public entertainment, amusement and recreation, Richlandtown Borough desires to enact this Ordinance to minimize and control the adverse effects of Adult Entertainment Businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens' property values and character of surrounding neighborhoods; and deter the spread of blight.

**Section 2.** Chapter 27 of the Richlandtown Code of Ordinances, (the "Zoning Ordinance") shall be and hereby is further amended as follows:

**Section 3.** Definitions

- (a) The following terms and definitions of such terms are added to Part 2, Section 27-200 of the Zoning Ordinance in alphabetical order:

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or

mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
2. instruments, devices or paraphernalia which are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY or ADULT VIDEO STORE so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT CABARET:** A nightclub, bar restaurant or similar commercial establishment which regularly features:

1. persons who appear in a state of Nudity or Semi-Nudity; or
2. live performances which are characterized by the exposure of Specified Anatomical Areas; or by Specified Sexual Activities; or
3. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT ENTERTAINMENT BUSINESS:** Any adult or sexually oriented business including an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Escort Agency, Massage Parlor, Nude Model Studio and Sexual Encounter Center as defined in this Ordinance.

**ADULT MOTION PICTURE THEATRE:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic

reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of Nudity or Semi-Nudity, or live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**ESCORT AGENCY:** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**MASSAGE PARLOR:** An establishment in which personal massages are offered to customers or clients but excluding any establishment or use therein which would be prohibited by the Pennsylvania Crimes Code.

**NUDE MODEL STUDIO:** Any place where a person who appears semi-nude, in a state of nudity or who displays Specified Anatomical Areas and is observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or an establishment within an educational use as defined in this chapter.

**NUDITY** or a **STATE OF NUDITY:** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

**PERSON:** Includes a firm, company, corporation, partnership, proprietorship, trust, organization, association or any other legal entity, as well as an individual. 'Person' shall include the partners of such partnership, the officers of such organization, association, or corporation, the trustees of such trust and all individuals of which such legal entity is comprised.

**SEMI-NUDE** or in a **SEMI-NUDE CONDITION:** The state of dress in which clothing partially or opaquely covers Specified Anatomical Areas.

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of Nudity or Semi-Nudity.

**SPECIFIED ANATOMICAL AREAS:** Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. excretory functions as part of or in connection with any of the activities set forth in 1 and 2 above.

**Section 4.** Part 4, Section 27-404 of the Zoning Ordinance is hereby amended and restated as follows:

An Adult Entertainment Business as defined by this Ordinance shall not be permitted in the RS District. An Adult Entertainment Business shall be a permitted use only in the VC and HC Districts provided:

- a. The building or structure of such use shall be located no less than two hundred (200') feet of a boundary of a property used for residential purposes or residential use or district, public or private school, library or educational facility, place of worship or recreation facility. For purposes of this section, measurement between boundaries shall be measured in a straight line from the outer property line of the adult entertainment business to the nearest outer property line of the residence, school, library, educational facility, place of worship or recreation facility without regard to the intervening structures or objects or political boundaries;
- b. No such use shall be located within two hundred feet (200') of any other adult entertainment business or use. For purposes of this section, the distance between any (two) adult entertainment businesses shall be measured in a straight line without regard to the intervening structures or objects or political boundaries from the closest exterior wall of the structure in which each business is located;
- c. No such adult entertainment business or use shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specific sexual activities or anatomical areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times;
- d. Such use shall be operated between the hours of 10:00 a.m. and 1:00 a.m. on weekdays and Saturdays and between the hours of 10:00 a.m. and 10:00 p.m. on Sundays;

- e. Minimum parking requirement: one off street parking space for each 100 square feet of gross floor area, plus one additional off street parking space for each full time employee.

**Section 7. Severability**

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the Council of Richlandtown Borough that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection, clause, sentence or part thereof had not been included herein.

**Section 8. Repealer**

All other ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

RICHLANDTOWN BOROUGH

\_\_\_\_\_  
Joe Geib, Secretary/Manager

\_\_\_\_\_  
Jim Bowman, President

\_\_\_\_\_  
Carl Raub, Mayor