

Chapter 67, ADULT BOOKSTORES AND THEATERS

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 9-26-1977 by Ord. No. 287 (Ch. 25 of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning -- See Ch. 270.

§ 67-1. Statement of policy.

In the development and execution of this chapter it is recognized that there are some uses which, because of their very nature, are recognized as having serious, objectionable operational characteristics, particularly when several of them are concentrated under circumstances having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

§ 67-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, motion pictures and other viewing materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities, sexual conduct or specified anatomical areas, or an establishment in which a segment or section of the premises is devoted to the sale, rental or display of such material.

ADULT MOTION-PICTURE THEATER -- A building used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities, sexual conduct or specified anatomical areas for observation by patrons therein.

MOTION PICTURE -- Film or films, continuous slides or pictures of any nature in which any person is shown, depicted or revealed in any act of sexual conduct or sadomasochistic abuse.

SADOMASOCHISTIC ABUSE -- Flagellation or torture by or upon a human being who is nude or clad in undergarments or in revealing or bizarre costumes, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained.

SEXUAL CONDUCT -- Human masturbation, sexual intercourse or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, in an act of apparent sexual stimulation or gratification.

SPECIFIED ANATOMICAL AREA -- Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola, or human genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY -- Human genitals in a state of sexual stimulation or arousal; any act of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

§ 67-3. Designation as regulated uses.

Adult bookstores and adult motion-picture theaters are hereby deemed to be regulated uses.

§ 67-4. Location restrictions.

No regulated uses may be located within 1,000 feet of any other regulated use or within 1,000 feet of any residentially zoned area.

§ 67-5. Violations and penalties.

Any person, firm or corporation or other party violating the terms of this chapter, whether as an individual or principal or agent or employee of another, shall, upon conviction thereof in the Municipal Court of the Borough of Laurel Springs, be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the Court. Each day or occasion that any provision of this chapter shall be violated shall be construed as a separate and distinct violation thereof.