

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 86

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ARTICLES VI AND X OF ACT NO. 247 OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AND CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE," AND ANY AMENDMENTS AND SUPPLEMENTS THERETO, AMENDING ORDINANCE NO. 44, ADOPTED BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP ON JULY 16, 1973 AND KNOWN AS THE WASHINGTON TOWNSHIP ZONING ORDINANCE, BY ENACTING CERTAIN REGULATIONS GOVERNING ADULT ENTERTAINMENT USES AND DEFINING CERTAIN TERMS RELATIVE THERETO.

WHEREAS, the Board of Supervisors of this Township believes that the establishment and concentration of adult businesses, bookstores, entertainment establishment, and theatres in business districts may have a deleterious effect on both existing businesses and the surrounding residential segments of neighborhoods, causing blight and the downgrading of property values, and may have an overall detrimental effect on the health and welfare of the Township; and

WHEREAS, in order to prevent such deterioration and to provide for the orderly, planned development of the Township, the Board of Supervisors believes that, in addition to existing zoning regulations, certain additional special regulations are necessary to control the concentration of such uses.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, that Ordinance No. 44, known as the Washington Township Zoning Ordinance, be amended as follows:

SECTION 1. The "Glossary - Definition of Terms" provisions of Ordinance No. 44 is amended and supplemented to include the following terms and their respective definitions:

ADULT BOOK STORE: An establishment or business having as a substantial or significant part of its stock-in-trade, books, magazines, photographs, pictures and other periodicals or paraphenalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

ADULT DRIVE-IN MOTION PICTURE THEATRE: An outdoor establishment used for presenting motion picture films distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATRE: An enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

ADULT MOTION PICTURE THEATRE: An enclosed building with a capacity of fifty (50) or more persons used for presenting motion picture films distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

MASSAGE SHOP: An 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 a medical practitioner or professional physical therapist licensed by the Commonwealth.

SPECIFIED ANATOMICAL AREAS:

- (1) Less than completely and opaquely covered
 - (a) Human genitals, pubic region;
 - (b) Buttocks; or
 - (c) Female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

SECTION 2. Section 300 (Use Regulations) of Ordinance No. 44 is amended and supplemented to include the following subsection:

12. Adult Entertainment:

a. Designation of Uses: The following uses are designated as adult entertainment uses:

- (1) Adult book store.
- (2) Adult drive-in motion picture theatre.
- (3) Adult mini-motion picture theatre.
- (4) Adult motion picture theatre.
- (5) Massage shop.

b. Regulation of Adult Entertainment Uses: No adult entertainment use shall be permitted in any district except CLM - Commercial Light Manufacturing District or C-N Commercial-Neighborhood District and no such use shall be permitted

- (1) Within 1,000 feet of any other existing adult entertainment use; and/or
- (2) Within 500 feet of any residentially zoned district (excepting the A-R Agricultural-Rural Residential District) or any of the following residentially related uses:
 - (a) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores;
 - (b) Schools, and their adjunct play areas;
 - (c) Public playgrounds, public swimming pools, public parks and public libraries;
- (3) For the purposes of this subsection, spacing distances shall be measured as follows:
 - (a) From all property lines of any adult entertainment use;
 - (b) From the outward line of boundary of any residential zoning district;
 - (c) From all property lines of any residentially related use in subsection b(2)(a) through (c) above.

c. Signs and Other Visible Messages: All adult entertainment uses shall be permitted signs and visible messages based on the allowable sign area provided for in this ordinance, provided:

(1) Signs:

(a) Sign messages shall be limited to verbal description of material or services available on the premises; and

(b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.

(2) Other visible messages:

(a) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films or live presentation of persons performing or services offered on the premises.

SECTION 3. The provisions of this ordinance are severable and if any provisions, sentence, clause, section, part, or application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications.


SECTION 4. In all other respects the provisions of Ordinance No. 44, as amended, shall remain in full force and effect.

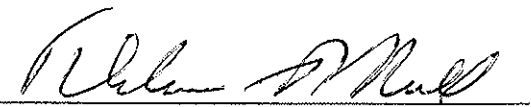
SECTION 5. This Ordinance shall take effect in accordance with law.

Duly enacted and ordained this 16th day of January, 1984, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS


Juanita L. Ausherman, Secretary

By 
Thurlow R. Null, Chairman