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PART 1

PROTECTION OF PUBLIC PROPERTY

§6-101. Definition and Interpretation.

As used in this Part, the term “person” shall include any individual, corporation, firm, partnership, association, or other legal entity. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 135, 11/21/1978)

§6-102. Tampering with Public Property or Property on Streets, Alleys or Public Ground Prohibited.

No person shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Township of Richland, within or without the Township, or any grass, walk, lamp, ornamental work, building, street light, or water stop box on or in any of the streets, alleys, sidewalks or public grounds in the Township.

(Ord. 135, 11/21/1978)

§6-103. Tampering with Stakes, Posts and Monuments Prohibited.

No person shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Township made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Township in any survey of or in any street, alley or public ground in the Township to evidence the location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, matter or thing.

(Ord. 135, 11/21/1978)

§6-104. Tampering with Warning Lamps, Signs or Barricades Prohibited.

No person shall destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Township or by any person doing work by permission of the authorities of the Township on any of the streets, alleys, sidewalks or bridges in the Township or on any public grounds of the Township, within or without the Township, as a warning of danger.

(Ord. 135, 11/21/1978)

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§6-105. Removal of Material from Streets, Alleys or Public Grounds Prohibited.

No person shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Township.

(Ord. 135, 11/21/1978)

§6-106. Exceptions.

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Township.

(Ord. 135, 11/21/1978)

§6-107. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$500 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 135, 11/21/1978; as amended by Ord. 278, 9/18/1991; by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

PART 2

USE OF VEHICLES ON PRIVATE PROPERTY

§6-201. Two-Wheeled Vehicles on Private Property.

From and after the effective date of this Part, it shall be unlawful for any person to operate any motorcycle, motor scooter, or bicycle with motor attached on private property other than that of the operator of such vehicle unless written permission has been secured from the owner of the property upon which the vehicle is being operated.

(Ord. 128, 6/27/1978)

§6-202. Hazardous Operation Unlawful.

From and after the effective date of this Part, it shall be unlawful for any person to operate a vehicle of any type upon public or private property in the Township in careless disregard for the safety of persons or property.

(Ord. 168, 8/18/1981, §1)

§6-203. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$500 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 168, 8/18/1981; as amended by Ord. 278, 9/18/1991; by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

PART 3

LITTERING

§6-301. Definitions.

GARBAGE — putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER — “garbage,” “refuse” and “rubbish” as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

REFUSE — all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH — nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cardboard, tin cans, glass, bedding, crockery and similar materials.

(Ord. 95, 6/19/1975, §1)

§6-302. Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Ord. 95, 6/19/1975, §2)

§6-303. Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this §6-303 shall not prohibit the storage of litter in private receptacles for collection.

(Ord. 95, 6/19/1975, §3)

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§6-304. Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the Township whether owned by such person or not.

(Ord. 95, 6/19/1975, §4)

§6-305. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$500 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 95, 6/19/1975, §5; as amended by Ord. 135, 11/21/1978; by Ord. 278, 9/18/1991; by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

PART 4

PROHIBITING DISCHARGE OF FIREARM OR SIMILAR DEVICE

§6-401. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §6-403 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Township.

(Ord. 71, 1/18/1972; as revised by Ord. 278, 9/18/1991)

§6-402. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Township, except as provided in §6-403 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 71, 1/18/1972; as revised by Ord. 278, 9/18/1991)

§6-403. Exceptions.

This Part shall not apply to:

- A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
- C. Any law enforcement officers when used in the discharge of their official duties.

(Ord. 71, 1/18/1972; as revised by Ord. 278, 9/18/1991)

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§6-404. Penalties for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs, and in default of payment, to imprisonment for a term not to exceed 30 days.

(Ord. 71, 1/18/1972; as revised by Ord. 278, 9/18/1991; as amended by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

PART 5

LICENSING OF ADULT BUSINESSES

§6-501. Purpose and Legislative Findings.

1. Purpose.

- A. Pursuant to the authority granted to the Township to prohibit nuisances; to promote the health, cleanliness, comfort and safety of the citizens of the Township; to define and prohibit disorderly practices; to regulate buildings; and to regulate the time of opening and closing and the conduct of places of public entertainment, amusement and recreation, the Township of Richland enacts this Part to minimize and control the adverse secondary effects of adult businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of blight.
- B. The Board of Supervisors has determined that location criteria alone does not adequately protect the health, safety and general welfare of the people of the Township and that licensing is a legitimate and reasonable means of accountability to ensure that operators of adult businesses , comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- C. It is not the intent of the Board in enacting this Part to deny to any person rights of speech protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intent of the Board to impose by this Part any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and other materials. Further, by enacting this Part, the Board does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented materials or conduct protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor does it intend to restrict or deny any Constitutionally protected rights that distributors or exhibitors of sexually oriented materials may have to sell, distribute or exhibit these materials.

2. Legislative findings. The Board of Supervisors finds:

- A. Statistics and studies performed in a substantial number of communities in this Commonwealth, the State of Delaware and in the United States indicate that adult businesses have adverse secondary effects, including those specified at 68 Pa.C.S.A. § 5501(a), which secondary effects should be regulated to protect the public health, safety and welfare. These secondary ef-

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facts have been recognized by the United States Supreme Court in *City of Erie v. PAP's A.M.*, 120 S. Ct. 1382 (2000), and other decisions referenced in the informational report of the Township Solicitor and Police Chief described below and provided to the Board prior to adoption of this Part. These secondary effects include but are not limited to the spread of communicable diseases, performance of sexual acts in public places, presence of discarded adult materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crime and neighborhood deterioration. Information received from the Northern Regional Police Department Chief of Police and Solicitor also indicates that such adverse secondary effects result. See Report to Richland Township Board of Supervisors Regarding Proposed Adult Business Licensing and Zoning Regulations, Controlling Secondary Effects Associated with Adult or Sexually Oriented Businesses.¹

- B. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the adult businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the adult business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult business, fully in possession and control of the premises and activities occurring therein.
- C. Removal of doors on viewing booths and requiring sufficient lighting on premises with viewing booths advances a substantial governmental interest in discouraging the illegal and unsanitary sexual activity occurring in adult theaters.
- D. Requiring licensees of adult businesses to keep information regarding current employees and certain past employees will help reduce the incident of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- E. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult business limits the adverse secondary effects of such businesses.
- F. It is desirable, in the prevention of the spread of communicable diseases and in the reduction of adverse secondary effects, to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Part is designed to prevent or who are likely to be witnesses to such activity.

¹ Editor's Note: This report is included at the end of this Chapter.

- G. The fact that an applicant for an adult business license has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in criminal conduct in contravention of this Part.
- H. The barring of such individuals from the management of adult businesses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases and which results in other adverse secondary effects.
- I. The general welfare, health and safety of the citizens of the Township will be promoted by the enactment of this Part.
- J. Limitation of operating hours of adult businesses from 10:00 a.m. to 10:00 p.m., Mondays through Saturdays, and closure of such businesses on Sundays and legal holidays reduces the adverse secondary effects of such businesses, including, particularly, but not limited to late-night noise levels, crime and sexually offensive materials and activities in public areas, and promotes the public health, safety and welfare.
- K. The reasonable regulation and supervision of such adult businesses tends to discourage sexual acts and prostitution and thereby promote the health, safety and welfare of the patrons, clients and customers of these businesses.
- L. The continued unregulated operation of such adult businesses is and would be detrimental to the general health, safety and welfare of the citizens of the Township.

(Ord. 420, 1/2/2007)

§6-502. Definitions.

As used in this Part, the following words and phrases shall have the meanings indicated, unless the context clearly indicates a different meaning:

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, not located within viewing booths, 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 or **ADULT NOVELTY STORE** — an establishment having a substantial or significant portion of its stock and trade in, or an establishment which, as one of its principal business purposes, offers for sale or rental any of the following:

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- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, CD ROM discs or other computer software, and other visual representations, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and, in conjunction therewith, may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons.
- B. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT BUSINESS — an adult arcade, adult bookstore, adult novelty store, adult cabaret, adult theater, escort agency, nude model studio or sexual encounter or mediation center.

ADULT ENTERTAINMENT —

- A. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;
- B. A live performance, display or dance of any type, which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions or visual presentations of any other kind, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — a theater, tavern, banquet hall, party room, conference center, restaurant, night club, hall, auditorium, club, recreation center, indoor amusement center or similar commercial establishment, which, as one of its principal business purposes, offers adult entertainment.

EMPLOYEE — a person who performs any service on the premises of an adult business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

ESCORT — a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

ESTABLISH — includes any of the following:

- A. The opening or commencement of any adult business as a new business.
- B. The conversion of an existing business, whether or not an adult business, to any adult business.
- C. The addition or change of any adult business to any other existing adult business or to a non-adult business.
- D. The relocation of any adult business.

KNOWINGLY — having general knowledge of, or reason to know, or a belief or grounds for belief which warrants further inspection or inquiry of both:

- A. The character and content of any material or performance described herein which is reasonably susceptible of examination by a licensee or person; and
- B. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the licensee or person made a reasonable bona fide attempt to ascertain the true age of such minor.

LICENSEE — a person in whose name a license to operate an adult business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult business.

NUDE MODEL STUDIO — any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided to be 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 State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
- B. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- C. Where no more than one nude model is on the premises at any one time.

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NUDITY or A STATE OF NUDITY — the showing of any part 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 discernibly turgid state.

PERSON — an individual, proprietorship, partnership, corporation, association, or other legal entity.

SEXUAL ENCOUNTER OR MEDIATION CENTER — a business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas as defined herein.

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 discernibly turgid state, even if completely covered.

SPECIFIED CRIMINAL ACTIVITY — any of the following offenses:

- A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the Criminal or Penal Code of other states or counties;
- B. For which:
 - (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.
- C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES — any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
- C. Human genitals in a state of sexual stimulation or arousal.

TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT BUSINESS — includes any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
- C. The establishment of a trust, gift, or other similar legal advice which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

VIEWING BOOTHS — booths, stalls, partitioned portions of a room, cubicles, stalls, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing:

- A. Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas;
- B. Persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

(Ord. 420, 1/2/2007)

§6-503. License Required.

- 1. It is unlawful:
 - A. For any person to operate or establish an adult business without a valid adult business license issued by the Township pursuant to this Part;
 - B. For any person who operates an adult business to employ a person to work for the adult business who is not licensed as an adult business employee by the Township pursuant to this Part.

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- C. For any person to obtain employment with an adult business without having secured an adult business employee license pursuant to this Part.
 - D. Beginning on the 60th day after enactment of this Part for any person to continue to operate any adult business in operation at the time of enactment of this Part without a valid adult business license pursuant to this Part.
 - E. Beginning on the 60th day after enactment of this Part for any person who operates an adult business in operation at the time of enactment of this Part to employ a person to work for the adult business who is not licensed as an adult business employee by the Township pursuant to this Part.
 - F. Beginning on the 60th day after enactment of this Part for any person to obtain employment with an adult business in operation at the time of enactment of this Part without having secured an adult business employee license pursuant to this Part.
- 2. An application for a license must be made on a form provided by the Township.
 - 3. All applicants must be qualified according to the provisions of this Part. The application may request and the applicant shall provide such information (including, without limitation, criminal record history and fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established in this Part.
 - 4. If a person who wishes to operate an adult business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section, and each applicant shall be considered a licensee if a license is granted.
 - 5. The completed application for an adult business license shall contain the following information and shall be accompanied by the following documents:
 - A. If the applicant is:
 - (1) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least 18 years of age.
 - (2) A partnership, the partnership shall state its complete name and the name of all partners, and whether the partnership is general or limited and shall provide a copy of the partnership agreement, if any, and provide for each partner the information required below at §6-503, Subsection 5C, D, E, H, I and J.
 - (3) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing

under the laws of its state of incorporation and qualified and authorized to conduct business in Pennsylvania, the names and capacity of all officers, directors and all owners of more than 20% of the corporation's stock, and the name of the registered corporate agent and the address of the registered office for service of process and provide for each officer, director and owner of 20% or more of the corporate stock the information required below at §6-503. Subsection 5C, D, E, H, I and J.

- (4) For an entity other than a partnership or corporation, the entity shall submit the information required below at §6-503, Subsection 5C, D, E, H, I and J for each person exercising control over the entity.
- B. If the applicant intends to operate the adult business in a name other than that of the applicant, he or she must state the adult business' fictitious name and submit the required registration documents.
 - C. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this Part and, if so, the specified criminal activity involved and the date, place and jurisdiction of each.
 - D. Whether the applicant, or a person residing with the applicant, has had a previous license under this Part or other similar adult business ordinance from another municipality, state or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked as well as the date of the denial, suspension or revocation and whether the applicant, or a person residing with the applicant, has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Part whose license has previously been denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - E. Whether the applicant, or a person residing with the applicant, holds any other licenses under this Part or other similar adult business ordinance from another municipality, state or county and, if so, the names and locations of such other licensed businesses.
 - F. The specific classification of adult business use for which the applicant is filing.
 - G. The location of the proposed adult business, including a legal description of the property, street address, and telephone number(s), if any.
 - H. The applicant's mailing address and residential address.
 - I. A recent photograph of the applicant(s).

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- J. The applicant's driver's permit number, social security number, and his/her State or Federally issued tax identification number.
- K. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- L. A current certificate and straight-line drawing, prepared within 30 days prior to application by a registered land surveyor, depicting the property lines, and the property to be certified.
- M. If an applicant wishes to operate an adult business which includes viewing booths, then the applicant shall also comply with the application requirements set forth in §6-511 and shall separately apply for and obtain a building and occupancy permit for the installation of the viewing booths.
- N. The application form shall inform the applicant that:
 - (1) Separate applications are required for any necessary zoning permits, subdivision and land development approvals or building and occupancy permits and that the applicant may apply for such permits by contacting the Township Building Officer; and
 - (2) Department of Labor and Industry approval is required.
- O. The applicant shall submit a scale drawing of any sign proposed to be placed upon the licensed premises, which drawing will include a rendering of any letters, words, figures, designs, pictures or other visible communicative element on any such sign. In addition to all other Township sign regulations, the following regulations shall apply.
 - (1) All signs shall be flat wall signs.
 - (2) No merchandise or pictures of the products or entertainment available on the premises shall be displayed in window areas or in any area where they can be viewed from the public right-of-way abutting the premises.
 - (3) No signs shall be placed in any window or upon any door, except that a one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.
- P. Applications shall be accompanied by written authorization of the property owner.

6. Before any applicant may be issued an adult business employee license, the applicant shall submit, on a form to be provided by the Township, the following information:
 - A. The applicant's name or any other name (including stage names) or aliases used by the individual.
 - B. The applicant's age, date and place of birth.
 - C. The applicant's height, weight, and hair and eye color.
 - D. The applicant's present residence address and telephone number.
 - E. The applicant's present business address and telephone number.
 - F. The date, issuing state and number of the applicant's driver's license or other identification card information.
 - G. The applicant's Social Security number.
 - H. Proof that the individual is at least 18 years of age.

7. Attached to the application form for an adult business employee license, as provided above, shall be the following:
 - A. A color photograph of the applicant, clearly showing the applicant's face, and the applicant's fingerprints on a form provided by any police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
 - B. A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, municipality, state, or country, any business or has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
 - C. A statement whether the applicant has been convicted of a' specified criminal activity, as defined in this Part, and, if so, the specified criminal activity involved and the date, place and jurisdiction of each.

(Ord. 420, 1/2/2007)

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§6-504. Issuance of License.

1. Upon the filing of said application in a fully completed form for an adult business license or for an adult business employee license, the application shall then be referred to the Northern Regional Police Department Chief of Police (hereinafter "Chief of Police") for review and investigation. Reference to the Chief of Police herein shall include any designee of the Chief of Police. The Chief of Police shall utilize any available resources through the Pennsylvania State Police, the Commonwealth of Pennsylvania and/or other law enforcement agencies as may be necessary to complete the review and investigation required by this Part. Within 30 days from the date the completed application is filed, the Chief of Police shall issue a license, unless it is determined by the Chief of Police that one or more of the following findings is true:
 - A. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - B. The applicant is under the age of 18 years.
 - C. The applicant has been convicted of a specified criminal activity, as defined in this Part.
 - D. The adult business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation or prohibited by a particular provision of this Part.
 - E. The applicant has had an adult business employee license revoked by the Township within two years of the date of the current application. If the adult business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in §6-509.
 - F. The required application, investigation and license fees have not been paid.
 - G. An applicant's license to operate an adult business, issued by any jurisdiction, has been revoked within the preceding 12 months.
 - H. The proposed adult business is in violation of or is not in compliance with any of the provisions of this Part.
2. A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the Chief of Police that the applicant has not been convicted of any specified criminal activity, as defined in this Part, or committed any act during the existence of the previous license

which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in §6-509.

3. The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult business and the specific classification of adult use for which the license is issued. Licenses for adult businesses shall state that the adult business shall not commence until all necessary zoning, subdivision and (land development, and/or Building Code approvals and Department of Labor and Industry approvals are obtained. All licenses shall be posted in a conspicuous place at or near the entrance to the adult business so that they may be easily read at any time.
4. Applications for building and occupancy permits shall be processed and either denied or approved within 30 days of the submittal of a complete application. A letter notifying the applicant of such denial or approval shall be mailed to the applicant within 30 days of the submittal of a complete application.
5. An adult business license shall issue for the specific classification of adult use as permitted by ordinance and applied for.
6. A license denial shall conform to the provisions of §6-505.
7. Any person aggrieved by the grant of a license may appeal, in writing, within 10 days from the date of issuance of the license, to the Township Board of Supervisors. The appeal shall specify the grounds on which it is taken, and any ground not specified shall be waived. The Township Board of Supervisors shall then hold or designate a hearing body to hold a Local Agency Law hearing within 20 days of the date of filing of the appeal and render a decision within 10 days from the end of the hearing. Appeals from a decision of the Township Board of Supervisors or the designated appeal body may be taken to court subject to §6-509, Subsection 5, of this Part.

(Ord. 420, 1/2/2007)

§6-505. Fees.

1. Every application for an adult business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in an amount set by resolution of the Board of Supervisors.
2. In addition to the application and investigation fee required above, every adult business that is granted a license (new or renewal) shall pay to the Township an annual nonrefundable license fee in an amount set by resolution of the Board of Supervisors within 30 days of license issuance or renewal.

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3. Every application for an adult business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee in an amount set by resolution of the Board of Supervisors.
4. All license applications and fees shall be submitted to the office of the Township Manager, and, thereafter, the applications shall be forwarded to the Chief of Police for review and investigation and approval or denial.

(Ord. 420, 1/2/2007)

§6-506. Inspections.

1. An applicant or licensee shall permit authorized Township officials and their agents or consultants to inspect the premises of an adult business at all reasonable times for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates an adult business or his agent or employee commits a violation of this Part if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(Ord. 420, 1/2/2007)

§6-507. Expiration of License.

1. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in §6-503. Application for renewal shall be made at least 30 days before the expiration date; and when made less than 30 days before the expiration date, the date of expiration of the license will not be extended.
2. When the Township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Township finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(Ord. 420, 1/2/2007)

§6-508. Suspension of License.

The Chief of Police shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:

- A. Violated or is not in compliance with any provision of this Part;
- B. Refused to allow an inspection of the adult business premises as authorized by this Part; or
- C. Knowingly permitted gambling by any person on the adult business premises.

(Ord. 420, 1/2/2007)

§6-509. Denials, Revocations and Suspensions; Appeals.

1. The Chief of Police shall revoke a license if a cause of suspension in §6-508 occurs and the license has been suspended within the preceding 12 months.
2. The Chief of Police shall revoke a license if he determines that:
 - A. A licensee gave false or misleading information in the material submitted during the application process;
 - B. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - C. A licensee has knowingly allowed prostitution on the premises;
 - D. A licensee knowingly operated the adult business during a period of time when the licensee's license was suspended;
 - E. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
 - F. A licensee is delinquent in payment to the Township for any licensing fees past due.
3. When a license is revoked, the revocation shall continue for one year, and the licensee shall not be issued an adult business license for one year from the date the revocation became effective. If, subsequent to revocation, the Township finds that the basis for the revocation has been corrected or abated, the revocation may be dissolved if at least 90 days have elapsed since the date the revocation became effective and the basis for the revocation was not a basis set forth in §6-509, Subsection 2.
4. All license application, renewal, suspension or revocation decisions shall be sent in writing to the applicant or licensee. All such decisions which deny, suspend or revoke a permit shall state specifically the ordinance requirement not met and any other basis for the decision. After denial of an application, or denial of a re-

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renewal of an application, or after suspension or revocation of any license, the applicant or licensee may appeal, pursuant to the Local Agency Law, to the Township Board of Supervisors. Any such appeal must be filed, in writing, with the Township Secretary, within 10 days from the date of mailing of the decision appealed from. Failure to file said appeal with the Township Secretary within 10 days from the date of the mailing of the decision appealed from shall constitute a waiver of the right to appeal the issues or matters addressed by the written decision. The Township Board of Supervisors will then hold or designate a hearing body to hold a Local Agency Law hearing within 20 days from the date the appeal is filed. A written decision will be issued within 10 days from the date such hearing concludes. In the case of a denial of a license renewal, or in the case of a license suspension or revocation, the licensee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of the expiration of the ten-day appeal period without filing of an appeal or the date of a decision dismissing any appeal.

5. Any person aggrieved by a decision of the Township Board of Supervisors or the designated hearing body may appeal to a court of competent jurisdiction. The Township shall, upon filing of such appeal, consent to any request by a license applicant or licensee to the court to give expedited review to such appeal. The Township shall promptly certify any record to the court upon any request by the court to do so.

(Ord. 420, 1/2/2007)

§6-510. Transfer of License.

A licensee shall not transfer his/her license to another, nor shall a licensee operate an adult business under the authority of a license at any place other than the address designated in the application.

(Ord. 420, 1/2/2007)

§6-511. Exhibition of Adult Entertainment in Viewing Booths.

1. A person who operates viewing booths or causes them to be operated shall comply with the following requirements:
 - A. Upon application for an adult license, the application shall be accompanied by a diagram of the premises showing a plan thereof, specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; how-

ever, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- B. The application shall be sworn to be true and correct by the applicant.
- C. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video-reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. In addition, all viewing booths shall have at least one side fully open so that all of the area inside the booth is open to the view of persons in the public area of the establishment.
- E. It shall be the duty of the licensees to ensure that the view area specified in Subsection 1D remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection 1A of this Section.
- F. No viewing room may be occupied by more than one person at any time.
- G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles, as measured at the floor level.
- H. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- I. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

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- J. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- K. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- L. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- M. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

(Ord. 420, 1/2/2007)

§6-512. Additional Regulations for Escort Agencies.

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits a violation of this Part if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

(Ord. 420, 1/2/2007)

§6-513. Additional Regulations for Nude Model Studios.

1. A nude model studio shall not employ any person under the age of 18 years.
2. A person under the age of 18 years commits a violation of this Part if the person appears in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a rest room not open to public view or visible to any other person.
3. A person commits a violation of this Part if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity, in a nude model studio premises which can be viewed from the public right-of-way.
4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(Ord. 420, 1/2/2007)

§6-514. Additional Regulations Concerning Public Nudity and Public Indecency.

1. It shall be a violation of this Part for a person to knowingly and intentionally, in a public place:
 - A. Engage in sexual intercourse or engage in deviate sexual intercourse, as defined by the Pennsylvania Crimes Code.
 - B. Appear in a state of nudity; or
 - C. Fondle the genitals of himself, herself or another person.
2. For purposes of this Part, "public place" includes all outdoor places owned or open to the general public and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not admission is charged.
3. The prohibition of this §6-514 shall not apply to:
 - A. Any child under 10 years of age.
 - B. Any individual exposing a breast in the process of breastfeeding an infant under two years of age.
 - C. The exercise of Constitutional rights of free speech or free expression in the form of serious artistic and theatrical performances. It is the intention of the Township that this Section be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the Constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights.

(Ord. 420, 1/2/2007)

§6-515. Prohibition Against Children in an Adult Business.

A person commits a violation of this Part if the person knowingly allows a person under the age of 18 years on the premises of an adult business.

(Ord. 420, 1/2/2007)

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§6-516. Hours of Operation.

No adult business shall be open for business before 10:00 a.m., Monday through Saturday or after 10:00 p.m., Monday through Saturday. Adult businesses shall not be open for business at any time on Sundays and legal holidays.

(Ord. 420, 1/2/2007)

§6-517. Exemptions.

1. It is a defense to prosecution under §6-514 that a person appearing in a state of nudity did so in a modeling class operated:
 - A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college, or university supported entirely or partly by taxation;
 - B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
 - C. In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - (3) Where no more than one nude model is on the premises at any one time.

(Ord. 420, 1/2/2007)

§6-518. Violations and Penalties.

1. Any individual, firm corporation or entity who violates, or causes or permits the violation of any provision of this Part shall be subject to a criminal fine not to exceed \$1,000 per violation and to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of the Part found to have been violated.
3. In addition to any other remedy available under law, the Township may enforce this Part by an action in equity.

4. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer.
5. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Township Secretary, the Police Chief, the Building Inspector and their designees.

(Ord. 420, 1/2/2007)

§6-519. Construal of Provisions; Severability.

1. It is the intention of the Township of Richland that its provisions of this Part will be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the Constitutional rights of freedom of speech, free expression, due process, equal protection or other Constitutional rights.
2. The provisions of this Part are severable; and if any Section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or 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 Part. It is hereby declared to be the intent of the Board of Supervisors that this Part would have been adopted if such illegal, invalid or unconstitutional Section, subsection, clause, sentence or part thereof had not been included herein.

(Ord. 420, 1/2/2007)

§6-520. When Effective.

This Part shall be effective five days after adoption.

(Ord. 420, 1/2/2007)