

Ordinance

Conditional

12/12/



Beaver County Times

P.O. BOX 400
BEAVER, PA 15009-0400
AREA CODE 412 775-3200



TOWNSHIP OF HOPEWELL
CLARK BOULEVARD
ALIQUIPPA PA 15001

12/12/95 756.00

LEGAL ADVERTISING INVOICE

PROOF CHARGE IS \$3.00 FOR AFFIDAVIT, \$5.00 FOR CLERICAL FEE

ACCOUNT	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
94249600	12/06/95	ORDS-95-4 95-5 95-6	220	2	8.00	756.00
11/27/95	12/06/95					
DATES APPEARED						

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on
11/27/95 12/06/95
BEAVER NEWSPAPERS, INC.

STATE OF PENNSYLVANIA,
COUNTY OF BEAVER, } SS:

Before me, a Notary Public in and for such county and state,

TERRY L. TOLSON, who being duly sworn according to ADVERTISING DIRECTOR of BEAVER NEWSPAPERS, INC

nor said corporation is interested in the subject matter of the attached that all of the allegations of the foregoing statement including those as to character of publication are true.

Sworn to and subscribed before me
this 12TH day of DECEMBER 1995

Debbie L. Hays

The costs of advertising and has been paid.

Notarial Seal
Debbie L. Hays, Notary Public
Elderswater Boro, Beaver County
My Commission Expires May 2, 1998

BEAVER COUNTY TIMES

P.O. BOX 400

ORDINANCE NOTICE

THE HOPEWELL TOWNSHIP BOARD OF COMMISSIONERS WILL CONSIDER ADOPTION OF THE FOLLOWING ORDINANCES AT ITS REGULAR SCHEDULED MEETING OF TUESDAY, DECEMBER 12, 1995 AT 8:00 P.M. TO BE HELD AT THE HOPEWELL TOWNSHIP BUILDING, CLARK BOULEVARD, ALIQUIPPA, PA., 15001.
ORDINANCE #95-4.
An Ordinance of the Township of Hopewell, Beaver County, Pennsylvania Amending Zoning Ordinance 95-2, Article X, III - Mixed Use District; Section 1003 - "Conditional Uses"

1) Adult Business - Those uses providing adult reading or view material which depicts or describes nudity or sexual activity including adult bookstores or video stores, adult movie rental stores or drive in theaters and live entertainment venues and live entertainment venues.
b) An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business.
ATTEST: This 12th DAY OF DECEMBER, 1995.

Chairman
ORDINANCE 95-5
AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, APPROPRIATING MONIES FROM MUNICIPAL TAXES AND REVENUES TO DEFRAY EXPENSES AND LIABILITIES OF THE TOWNSHIP FOR THE FISCAL YEAR ENDING DECEMBER 31, 1996.
BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Commissioners of the Township of Hopewell, County of Beaver, Pennsylvania, and it is hereby ordained and enacted according to the power and authority granted under the First Class Town-

ing sums of money, or as much thereof as may be authorized by law, as may be needed or deemed necessary to defray all expenses and liabilities of the Township, be and the same are hereby appropriated for the purposes and objects of said Township hereinafter specified for fiscal year commencing on the first day of January 1996 and ending on the thirty-first day of December, 1996
FUND APPROPRIATION
GENERAL FUND \$3,691,670
SEWER SYSTEM FUND 1,40,164
SEWER FUND 275,000
CONSTRUCTION FUND 205,043
STATE LIQUID FUELS 32,660
FIRE HYDRANT
APPROVED THIS 12th DAY OF DECEMBER 1995



TOWNSHIP OF HOPEWELL

ORDINANCE NO. 95-4

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE 95-2, ARTICLE X, MU-MIXED USE DISTRICT, SECTION 1003 "CONDITIONAL USES" AND THE DEFINITION, LOCATION AND REGULATION OF ADULT BUSINESS USES.

I. Findings of Fact and Conclusions of the Board of Commissioners.

The Board of Commissioners finds and concludes as follows:

1. The quality of life in the Hopewell Township community will be preserved and protected by making some areas available for adult businesses while preventing such businesses from locating in other areas.
2. Prohibiting the location of adult businesses in close proximity to residences, schools, hospitals, nursing homes, sanitariums, retirement or convalescent homes, group homes, day care centers, personal care homes, public parks, churches, and establishments which are licensed to sell alcoholic beverages or to other adult businesses will further the public health, safety and welfare in Hopewell Township and serve to:
 - (a) Protect and maintain property values; and
 - (b) Preserve an environment suitable to residential, educational and institutional uses; and
 - (c) Reduce crime and vagrancy; and
 - (d) Promote appropriate commercial growth and development; and
 - (e) Protect the quality of life in Hopewell Township.
3. The Board is aware of and concerned about the proliferation of businesses which offer, at one location, entertainment or activities of an adult nature, along with otherwise permissible non-adult activities such as establishments offering food or beverages, the sale of merchandise, personal services, etc. Such mixture of activities at one location makes the proper, uniform and predictable application of the Township Zoning Ordinance extremely difficult and may adversely affect the commercial, business environment in the Township. The Board finds that if any substantial portion of the activities conducted on the premises are of an adult nature,

then the use of the premises should be considered to constitute an adult business use and should be governed by the regulations applicable to adult businesses.

4. The location of adult business uses in the mixed use district will promote accomplishment of the goals described in Section I.1 and I.2 above while restricting such uses to an appropriate setting.

II. Amendment.

Ordinance No. 95-2 Article X is amended to add the following new Section 1003

SECTION 1003

1. Adult Businesses - This use shall be subject to the following express standards and criteria, and to any other standards and criteria generally applicable to all conditional uses:
 - (a) Adult businesses may be established only in a mixed use district.
 - (b) Persons or owners who intend to open an adult business must obtain from Hopewell Township a license to operate such an enterprise and must pay a \$500 investigation fee to Hopewell Township. In addition, such persons or owners must supply to the Township detailed information as to the ownership and financing as required on the licensing application form. This form can be obtained at the office of the Township Manager.
 - (c) No adult business can be located within 500 feet of a property boundary line of a pre-existing school, hospital, day care center, nursing home, sanitarium, retirement or convalescent home, group home, personal care home, public park, church, an establishment which is licensed to and does sell alcoholic beverages or other adult business.
 - (d) No adult business can be located within 500 feet of a property boundary line of a pre-existing residence.
 - (e) An adult business shall be initially licensed, where it has met all ordinance requirements, through December 31st 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 commercial enterprise, it must seek from the office

of the Manager of Hopewell Township a renewal of this license. The application for renewal is due in the Manager's office no later than November 1st 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.

- (f) Any adult business found to be in violation of the Hopewell Township Zoning Ordinance as amended shall be subject to the enforcement penalties provided for in the Hopewell Township Zoning Ordinance and/or the Municipalities Planning Code.
- (g) Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:
 1. At least one (1) employee shall be on duty at all times that any patron is on the premises.
 2. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
 3. No viewing room shall be occupied by more than one (1) person at any time.
 4. No connections or openings to adjoining viewing rooms shall be permitted.
 5. A minimum of one (1) foot candle of illumination measured at floor level, shall be provided in every area where patrons are permitted access.
 6. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
 7. Alcoholic beverages shall not be permitted on the premises of an adult business.

8. An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business.

III. Definitions:

- (a) **ADULT BOOKSTORE:** Any commercial establishment in which is offered for sale as a substantial or significant portion of its stock in trade video cassettes, 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, commercial 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 Ordinance 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, 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 or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to or resulting in producing lustful emotions.
- (d) **ADULT MOVIE THEATER OR MOVIE HOUSE:** (Including Adult Mini-Theaters) 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 Ordinance.
- (e) **NUDITY:** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female

breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the depiction of covered male genitals in a discernibly turgid state.

- (f) **SEXUAL CONDUCT:** Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

IV. Repealer.

All ordinances, or parts of ordinances, in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

V. Severability.

If any word, clause, section or part of this Ordinance is held by a court to be legally invalid, the remainder of the Ordinance shall not be effected thereby and shall remain in full and effect.

VI. Effective Date.

This Ordinance shall become effective immediately upon adoption.

This Ordinance adopted by the Board of Commissioners of Hopewell Township at a duly assembled public meeting held on the 12 day of DECEMBER 1995.

ATTEST:

Patricia L. Yarnall Batts

TOWNSHIP OF HOPEWELL

BY: Mark D. Dues
Chairman, Hopewell Township Board
of Commissioners