

PUBLIC NOTICE

The following is a summary of an Ordinance that was duly adopted by the Borough Council of Freeport, Armstrong County, Pennsylvania, at the regularly scheduled meeting that was held on Tuesday, October 11, 1977, at 7:30 P. M. at the Freeport Borough Building, Freeport, Pennsylvania, and will be acted upon by the Borough Council at a regularly scheduled meeting to be held on Tuesday, November 15, 1977, at the Freeport Borough Building, at 7:30 P. M.

An exact copy of said Ordinance can be viewed at the Armstrong County Court House, Kittanning, Pennsylvania, The Valley Daily News, New Kensington, Pennsylvania, and the Freeport Borough Office, Freeport, Pennsylvania, during regular business hours.

ORDINANCE NO. 281

AN ORDINANCE OF THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, PENNSYLVANIA, DECLARING THE COMMERCIAL EXPLOITATION OF LEWD MOTION PICTURE FILMS, AND PUBLICATIONS, AND THE USE OF MASSAGE PARLORS AND MODEL STUDIOS FOR THE PURPOSES OF LEWDNESS, ASSIGNATION, OR PROSTITUTION, TO BE CONTRARY TO PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, MAKING ANY PLACE POSSESSING OR EXHIBITING SUCH LEWD MOTION PICTURE FILMS, AND ANY PLACE OF BUSINESS IN WHICH LEWD PUBLICATIONS CONSTITUTE THE PART OF THE STOCK IN TRADE, AND ANY MASSAGE PARLOR OR MODEL STUDIO USED FOR THE PURPOSE OF LEWDNESS, ASSIGNATION, OR PROSTITUTION, A PUBLIC NUISANCE, PER SE; ORDERING ABATEMENT AFTER DECLARATION AND PROVIDING FOR NOTICE AND CIVIL PROCEEDINGS TO ABATE THE SAME AND FOR OTHER RELIEF BY RESOLUTION; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

SECTION 1. PURPOSE; POLICY; AUTHORITY; EXCLUSION;

The Borough Council finds that the crass commercial exploitation of explicit sexual conduct through the public exhibition thereof is a public nuisance, and herein established procedures for the abatement thereof. This Ordinance is applied to existing establishments which are presently engaged in the type of activities herein declared to be public nuisance.

SECTION 2. DEFINITIONS

The following words are defined herein:

- A. "Borough"
- B. "Knowledge"
- C. "Lewd"
- D. "Massage"
- E. "Massage Parlor"
- F. "Matter"
- G. "Model Studio"
- H. "Motion Picture Film"
- I. "Nude"
- J. "Person"
- K. "Place"
- L. "Publication"
- M. "Sale"

SECTION 3. LEWD FILMS AND THEATERS EXHIBITING THE SAME DECLARED A PUBLIC NUISANCE; ABATEMENT THEREOF

Any and every place in the Borough of Freeport where lewd films are publicly exhibited is considered to be a public nuisance per se.

SECTION 4. PLACE OF BUSINESS IN WHICH LEWD PUBLICATIONS CONSTITUTE, A PRINCIPAL PART OF THE STOCK IN TRADE, LEWD PUBLICATIONS POSSESSED THEREIN, AND VALUABLE CONSIDERATION RECEIVED FOR SALES THEREOF, DECLARED PUBLIC NUISANCE, ABATEMENT THEREOF.

Any and every place in the Borough of Freeport in which lewd publications constitute a part of stock in trade is a public nuisance per se.

SECTION 5. MASSAGE PARLORS OR MODEL STUDIOS USED FOR PURPOSES OF LEWDNESS, ASSIGNATIONS, OR PROSTITUTION, OR UPON WHICH ACTS OCCUR, DECLARED A PUBLIC NUISANCE; ABATEMENT THEREOF.

Every massage parlor or model studio is a public nuisance which shall be enjoined, abated and prevented.

SECTION 6. KNOWLEDGE OF NUISANCE PRESUMED FROM NOTICE OR ORDER OF ABATEMENT; RESPONSIBILITY OF PARTIES THEREFOR; ABATEMENT OF SUCH NUISANCES.

A procedure of personal notice and service thereof is set forth.

SECTION 7. ACTION TO BE TAKEN BY BOROUGH COUNCIL

Upon a specific finding that a public nuisance, as defined in Sections 3, 4, and 5 of this Ordinance exists in the Borough of Freeport. The Borough

Council in applying the provisions of this Ordinance to such nuisance shall commence to the necessary legal procedures.

SECTION 8. FORFEITURE TO THE GENERAL FUND OF THE BOROUGH, COST OF ABATEMENT;
MANNER OF COLLECTION

The costs of abatement and the forfeiture of monies or other valuable consideration in connection with the defendant under this Ordinance is provided for.

SECTION 9. ACTION TO BE TAKEN BY BOROUGH SOLICITOR

Upon a specific finding by Resolution of the Borough Council of the fact that a public nuisance exists at a particular location, the Borough Solicitor may commence legal procedures by the filing of a civil action seeking the proper and adequate relief thereof.

SECTION 10. MAINTENANCE OF PUBLIC NUISANCE PROHIBITED; PRESCRIPTION OF PEN-
ALTIES THEREFOR.

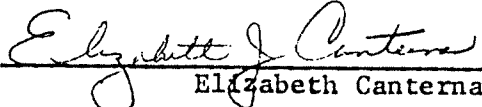
Violation of this Ordinance shall be a summary offense and persons convicted thereof shall pay a fine not to exceed \$300.00 or shall be sentenced to the County Jail for a period not to exceed 30 days or both. Each continued violation shall be a separate summary offense.

SECTION 11. SEVERABILITY CLAUSE

Elizabeth Canterna
Secretary

C E R T I F I C A T E

I DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Ordinance that was duly proposed by the Borough Council of Freeport, Armstrong County, Pennsylvania, at their regularly scheduled meeting that was held on Tuesday, October 11, 1977, at the Freeport Borough Building, Freeport, Pennsylvania.


Elizabeth Canterna

ATTEST: (SEAL)