

Chapter 2  
Part 3  
Public Nuisance

WHEREAS, the Board of Supervisors of the Township of Franklin, Beaver County, Pennsylvania, has the power pursuant to the Second Class Township Code as amended to prohibit nuisances; and

WHEREAS, the said Board of Supervisors has made a finding that the public display on signs, billboards, outdoor moving picture screens, or other instruments visible to the general public, of pictures, moving pictures, drawings or other visual material depicting sexual conduct or sado-masochistic activity, as those terms are hereinafter defined in this Ordinance as offensive to the general public, contrary to the general welfare of the public of the Township, and inimicable to the maintenance of the peace and good government of the Township and constitutes a nuisance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Franklin, Beaver County as follows:

1. Definitions. As used in this Ordinance:

a. "Sexual Conduct" shall mean masturbation, sodomy, normal sexual intercourse or abnormal sexual intercourse by, between, or among adult humans or human minor children or between humans and animals, or physical contact by a human with another human's genital or pubic area or a female human's breast.

b. "Sado-Masochistic Activity" shall mean flagellation or torture by or upon a person clad in

undergarments, mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained by or as one so clothed, or the excessive beating and torturing of minor children, whether clothed or unclothed.

c. "Person" shall mean a person, firm, corporation, partnership, unincorporated association or other legal entity; and shall specifically include the individual immediately in charge of a place of entertainment and also the owners thereof, and, if the ownership is corporate or otherwise artificial in nature, their officers, directors, and chief operating personnel of such corporation or entity.

2. The public display on signs, billboards, outdoor moving picture screens or other instruments visible to the general public of pictures, moving pictures, drawings or other visual material depicting sexual conduct or sado-masochistic activity shall constitute a nuisance and is hereby prohibited.

3. Any person who shall publicly display or shall knowingly permit, on property owned or controlled by him, the public display, on signs, billboards, outdoor moving picture screens or other instruments visible to the general public, of pictures, moving pictures, drawings or other visual material depicting sexual conduct or sado-masochistic activity shall, be in violation of this ordinance and shall, upon conviction of the same before a Magistrate, be fined not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars and if

default of payment thereof be imprisoned for not more than thirty (30) days in the manner provided by the Second Class Township Code.

4. In addition to any other remedies, the Board of Supervisors may institute proceedings in a Court of Equity to enjoin or prevent the unlawful public displays and nuisances prohibited in this ordinance.

5. The terms and provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance shall be declared by a Court of competent jurisdiction invalid or unenforceable such decision shall not affect the validity of this ordinance as a whole or any other part thereof. It is hereby declared to be the intent of the Township Board of Supervisors that in the event any term or provision of this ordinance declared to be invalid or unenforceable by a Court of competent jurisdiction the remainder of this ordinance shall thereafter remain in full force and effect as though the invalid term or provision had never been set forth therein.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Franklin, Beaver County, this 10th day of February, 1976.