

**BOROUGH OF SANDY LAKE
MERCER COUNTY, PENNSYLVANIA**

Ordinance 273

**AN ORDINANCE OF THE BOROUGH OF SANDY LAKE, MERCER COUNTY,
PENNSYLVANIA, PROHIBITING CERTAIN ACTS IN PUBLIC PLACES, PROVIDING
EXEMPTIONS THERETO, AUTHORIZING ABATEMENT OF NUISANCES AND
PRESCRIBING PENALTIES FOR VIOLATION**

WHEREAS, the Sandy Lake Borough Council determines that certain acts of sexual conduct and nudity in public places contribute to undesirable behavior and adversely impact on the health, safety and general welfare of the citizens of the Borough of Sandy Lake; and

WHEREAS, Sandy Lake Borough Council believes that this Ordinance is necessary:

1. To enhance the quality of life within the Borough;
2. To promote a climate conducive to the harmonious growth and development of the Borough, and to the soundness of the economic base of the Borough;
3. To preserve and stabilize the Borough's neighborhoods;
4. To protect property values;
5. To prevent blight and the deterioration of the Borough's neighborhoods; and
6. To decrease the incidence of crime, disorderly conduct and other secondary effects from this type of conduct, all of which adversely impact on the health, safety and general welfare concerns of the Borough of Sandy Lake.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH
OF SANDY LAKE THE FOLLOWING ORDINANCE:**

SECTION 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

NUDITY - The showing of the human male or female genital, pubic area or buttocks 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; the exposure of any device, costume, or covering which gives the appearance or simulates the genitals, pubic hair, perineum anal region; or the exposure of any device worn as a cover over the nipples and/or aureole of the female breast, which device simulates and gives the realistic appearance of nipples and/or aureole.

PUBLIC PLACE - All outdoor places owned by 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, 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 an admission charge is levied.

SECTION 2. Committing Public Indecency; Exception.

- A. A person who knowingly or intentionally does any of the following in a public commits public indecency, a summary offense:
 - 1. Engages in sexual intercourse;
 - 2. Engages in deviate sexual intercourse as defined by the Pennsylvania Crimes Code;
 - 3. Appears in a state of nudity;
 - 4. Fondles the genitals of himself, herself or another person.
- B. A person who knowingly or intentionally promotes or maintains any acts of public indecency as a property owner, proprietor or manager of a business, commits public indecency, a summary offense.
- C. The prohibition set forth in Subsection (A)(3) hereof shall not apply to:
 - 1. Any child under seven (7) years of age; or
 - 2. Any mother breast-feeding her child in any location where the mother is otherwise authorized to be.

SECTION 3. Abatement of Nuisances Authorized. In addition to the specific penalties

provided in this article, it is hereby declared that any building, portion of a building, or enclosed place regularly used for prohibited display of public nudity is a public nuisance, subjecting the owner, proprietor or other operator thereof to any and all actions authorized by the Commonwealth of Pennsylvania for the abatement of public nuisances.

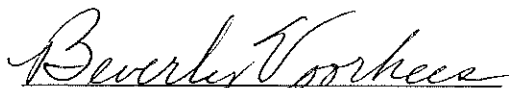
SECTION 4. Severability. It is the intention of the Borough that the provisions of this article be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this Ordinance. Should a court of competent jurisdiction determine that any part of this Ordinance, or any application or enforcement of it is excessively restrictive of such rights or liberties, then such portion of the article, or specific application of the article, shall be severed from the remainder, which shall continue in full force and effect.

SECTION 5. Penalty. Whoever violates any provision of this ordinance either by commission of a public indecency, or by the promotion or maintenance of public indecency as property owner, proprietor or manager of a business, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars or shall be imprisoned for not more than ninety (90) days, or both. Each day such violation continues is a separate offense.


SECTION 6. Effective Date. This Ordinance shall become effective at the expiration of thirty (30) days after formal enactment.

THE BOROUGH OF SANDY LAKE ORDAINS AND ENACTS AND IT IS HEREBY
ORDAINED AND ENACTED INTO LAW BY THE SANDY LAKE BOROUGH COUNCIL
THIS 5th DAY OF MARCH, 1998.

ATTEST:


Beverly Voorhees
Borough Secretary

SANDY LAKE BOROUGH:


Matt Saeler, President
Sandy Lake Borough Council