

TOWNSHIP OF HILLTOWN
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2010 - 2

**AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN AMENDING
PROVISIONS OF THE CODE OF ORDINANCES, CHAPTER 160,
SECTION 160-23, USE E21**

The Hilltown Township Board of Supervisors, upon review by the Bucks County Planning Commission and the Hilltown Township Planning Commission hereby enacts and ordains the following Ordinance amending the Hilltown Township Code of Ordinances, Chapter 160, Section 160-23, Use E21, Adult Bookstore.

Article 1.

Section 160-23, Use E21, Adult Bookstore is hereby deleted and amended to read as follows:

E21 - Adult Entertainment

Any adult or sexually oriented business, including any business establishment that regularly features live performances, which are distinguished or characterized by an emphasis on the exposure of the genitals or buttocks of any person, or the breasts of any female person. Or specified sexual activities that involve the exposure of the genitals or buttocks of any person, or the breasts of any female person, or any business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or other regulatory authority, be offered only to persons over the age of 18 years. Adult Entertainment may include an adult arcade, adult bookstore, adult cabaret, adult motion-picture theater, or adult visual materials or video store as defined in this Ordinance. Adult entertainment includes any other use or business, regardless of how named or advertised that is of a character like or similar to the uses and businesses described herein.

- a. The following definitions shall apply to use E21 Adult Entertainment:
 1. Adult Arcade – Any place in which the public is permitted or invited, or a private club or organization having private members, wherein coin-operated or slab-operated or electronically, electrically, or mechanically controlled still or motion picture, or video machines, projectors, or other image-producing devices are maintained 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.

2. Adult Bookstore – An establishment having as a substantial, significant, or preponderant portion of its stock in matter which are distinguished or characterized by their emphasis on content depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.
3. Adult Cabaret – A building or portion thereof or area regularly featuring the presentation or exhibition of live performers whose performances are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined; or whose performances are rendered in a state of dress so as to expose the female breast below a point immediately above the top of the areola; male or female genitals; pubic areas; buttocks; or the female breast with only the nipple or areola covered, or any combination thereof, for observation by patrons or customers. A distance of five feet shall be maintained between patrons and the performer who appear in any state of nudity.
4. Adult Motion-Picture Theater – A building or portion thereof or area, open or enclosed, used for the presentation on more than 1/3 of the days in a calendar year during which motion-picture films, video cassettes, cable television or any other such visual media are displayed or exhibited, of films, videocassettes, cable television or other visual media which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons or customers. “Adult motion-picture theater” does not include any room or suite of rooms rented for human occupancy in a hotel or motel which is equipped or furnished with a video cassette playing machine or cable television.
5. Adult Visual Materials or Video Store – A building or portion thereof used by an establishment having not less than 10% of its actual display area devoted to; or stock in trade for sale or rental to the public or any segment thereof consisting of books, magazines, other publications, films, video cassettes, or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined.
6. Distinguished or Characterized By An Emphasis Upon – The dominant or essential theme of the object described by such phrase.
7. Regularly Features – With respect to an adult business means a regular, substantial course of conduct. The presentation, in or at any building or portion thereof, of live performances which are distinguished or characterized by an emphasis upon the display or specified anatomical areas or specified sexual activity on four or more occasions within a calendar year shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

8. Specified Anatomical Areas – Any of the following: 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; 3. Any device, costume or covering that simulates any of the body part included in (1) or (2) above.
 9. Specified Sexual Activities – Any of the following whether performed directly or indirectly through clothing or other coverings: 1. Human genitals in a state of sexual stimulation or arousal; 2. Sexual acts, actual or simulated, including sexual intercourse, oral copulation or sodomy; and 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; 4. Masturbation, actual or simulated; and 5. Excretory functions as part of or in a connection with any of the other activities described in (1) through (4) above.
- b. The building or structure of such use shall be located no less than one thousand (1,000) feet from any residential use or district, public or private school, place of worship, recreation facility, or any other religious, institutional or educational use.
 - c. No such use shall be located within two thousand (2,000) feet of a similar use.
 - d. No person under the age of 18 years of age shall be permitted within a building whose operation would be considered an adult use.
 - c. No Adult Entertainment use shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specific sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
 - f. All off-street parking areas and premises entries of the Adult Entertainment use shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) footcandle of lighting on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways servicing the Adult Entertainment use for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct.
 - g. All parking areas must be located in front of the building.
 - h. Such use shall only be operated between the hours of 10:00 AM and 12:00 AM (either on the eastern standard or daylight saving time system). Extended hours of operation may be approved by the Board of Supervisors upon submission of a written request by the applicant/owner of the facility. The Board of Supervisors shall take into

consideration the type of facility, amount of usage, and impact on adjoining properties when reviewing such requests.

- i. An Adult Entertainment use shall not include the following:
 - 1. Any activity conducted or sponsored by a school district or other public agency; so long as such activity is being conducted as part of and within the scope of an authorized and regular part of the curriculum or is part of a training or instructional program being conducted by a public agency.
 - 2. Any activity conducted by a person pursuant to any license issued by the State of Pennsylvania or any agency thereof charged with the responsibility of licensing, prescribing standards for and supervising such activity or profession, in and to the extent that such activity is conducted within the course and scope of the exercise of the privileges authorized by such license, or the duties of such agency.
- j. Minimum parking requirement: One (1) space for each one hundred (100) square feet of floor area.

Article 2.

Section 160-22 – Table of Use Regulations, Use E21 is amended as follows:

**Township of Hilltown
Table of Use Regulations**
N=Not Permitted; Y=Permitted By-Right;
CU=Conditional Use; SE=Special Exception

Use	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	AQRC	Q
E21 Adult Entertainment	N	N	N	N	N	SE	N	N	N	N	N

Article 3. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Hilltown Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

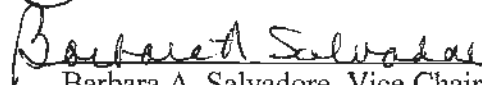
Article 4. Effective Date

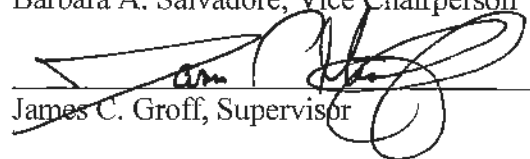
This Ordinance shall be effective five (5) days after enactment.

SO ENACTED AND ORDAINED this 26th day of April, 2010.

**HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS**


John B. McIlhinney, Chairman


Barbara A. Salvadore, Vice Chairperson


James C. Groff, Supervisor