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**Part 1
Curfew**

§101. Curfew Established for Children Under Age 18.

No child under the age of eighteen (18) shall be upon any of the public streets, highways, alleys, parks, or other public places in the Township of Sewickley, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, unless such child is accompanied by his parent or guardian, or if a legally recognized employment makes it necessary for such child to be in or upon said public streets, highways, alleys, parks, or other public places during such time.

§102. Duty of Parents.

No parent, guardian, or other person having legal care or custody of a child under the age of eighteen (18) shall allow or permit such child to be in or upon any of the public streets,

highways, alleys, parks or other public places of the Township of Sewickley between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except as provided in §101 of this Part 1.

§103. Penalties.

Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, to undergo imprisonment for not more than thirty (30) days.

**Part 2
Disorderly Conduct**

§201. Disorderly Conduct Prohibited.

Disorderly conduct is hereby prohibited within the Township of Sewickley. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

1. engages in fighting or threatening, or in violent or tumultuous behavior;
2. makes unreasonable noise;
3. uses obscene language, or makes any obscene gestures; or
4. creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

Provided: as used in this section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are streets, alleys, and sidewalks, transport facilities, schools, prisons, apartment houses, places of business, or amusement, any neighborhood, or any premises which are open to the public.

§202. Penalty.

Any person who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, to undergo imprisonment for not more than thirty (30) days.

**Part 3
Firearms and Other Weapons**

§301. Discharge of Firearms Prohibited.

No person shall at any time, except as hereafter provided, discharge any gun or firearm of any type within the Township of Sewickley, of Westmoreland County, Pennsylvania.

§302. Exceptions.

Exempted from this Part 3 are discharges of (a) guns or firearms where the firearms are lawfully used in hunting, as provided for by the Pennsylvania Game Law and regulations of the Game Commission; (b) guns or firearms on a shooting range established, maintained,

and controlled by a sportsmen group or game association having not less than 25 members, and with the permission of such group or association; (c) guns and firearms more distant than 500 feet from any public road or any dwelling or building, provided that no discharge of any gun or firearm shall be made at any distance if made in the general direction of any house, barn, or building; any public road; any person or gathering or group of people; any cattle, horses, or other animals; or any place where danger to person or property exists at time of discharge.

§303. Validity.

Should any section or provision of this Part 3 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any other parts thereof.

§304. Penalty.

Any owner, person, firm, association, or corporation who shall violate any of the provisions of this Part 3 shall, upon conviction thereof, be liable to pay a fine or penalty of not less than five dollars (\$5.00) nor more than three hundred dollars (\$300.00) for each and every offense. A new and separate offense shall be deemed to have been committed for each day that said violation exists. All fines and penalties imposed by this Part 3 are recoverable by summary proceedings before any district magistrate, and all suits or actions at law instituted for the recovery thereof are to be in the name and for the use of the Township, against which offense is committed, and, upon recovery thereof, all such fines and penalties are to be paid into the treasury of the Township.

Part 4
Protection of Public Property

§401. Definition and Interpretation.

As used in this Part 4 the term "person" shall include any individual, corporation, firm, partnership, association or other legal entity. The singular shall include the plural, and masculine shall include the feminine and the neuter.

§402. Tampering with Public Property or Property on Streets, Alleys, or Public Ground Prohibited.

No person shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Township of Sewickley, within or without the Township, or any grass, walk, lamp, ornamental work, building, street light, road or traffic sign, on or in any of the streets, alleys, sidewalks, or public grounds in the Township of Sewickley.

§403. Tampering with Stakes, Posts, and Monuments Prohibited.

No person shall in any manner interfere with or meddle with or pull, drive, change, alter, or destroy any stake, post, monument, or other evidence of any elevation, grade, line, location, corner, or angle in the Township of Sewickley made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Township in any survey of or in any street, alley, or public ground in the Township, to evidence the location, elevation, line, grade, corner,

or angle of any public street, alley, sidewalk, curb, gutter, drain, or other public work, matter, or thing.

§404. Tampering with Warning Lamps, Signs, or Barricades Prohibited.

No person shall destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Township or by any person doing work by permission of the authorities of the Township on any of the streets, alleys, sidewalks, or bridges in the Township or on any public grounds of the Township, within or without the Township, as a warning of danger.

§405. Removal of Material from Streets, Alleys, or Public Grounds Prohibited.

No person shall take any earth, stone, or other material from any of the streets, alleys, or public grounds in the Township.

§406. Exceptions.

This Part 4 shall not apply to normal activities in connection with the construction, maintenance, and repair of streets, alleys, sidewalks, and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Township.

§407. Penalty for Violation.

Any person who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, to undergo imprisonment for not more than thirty (30) days. Provided: each violation of any provision of this Part, and each day the same is continued, shall be deemed a separate offense, and the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Township or other injured party from taking proper legal action to recover damages resulting from such violation.

§408. Severability.

The provisions of this Part 4 shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Part. It is hereby declared as a legislative intent that this Part would have been adopted had such unconstitutional, illegal, or otherwise invalid provision not been included herein.

**Part 5
Pornography**

§501. Definitions.

- A. "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct or other content which appears in the Motion Picture Film, Publication, or Live Theater Production, or knowledge of the acts of lewdness, assignation, or prostitution which occur in any Place.

- B. "Lewd" Matter means any Matter:
1. which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
 2. which depicts or describes patently offensive representations or descriptions of:
 - a. ultimate sexual acts, normal or perverted, actual or simulated; or
 - b. masturbation, excretory functions, or exhibition of the genitals or genital area.

Nothing herein contained is intended to include; or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

- C. "Live Theater Production" shall mean any dramatic, musical or comedic production performed in the presence of a live audience.
- D. "Massage" shall mean any method of treating the whole or parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand or by the use of any object or instrument.
- E. "Massage Parlor" shall mean any building or structure or portion thereof, located within the Township, at which massage services are offered, with or without the payment of a fee.
- F. "Matter" shall mean a Motion Picture Film, Live Theater Production, Publication, or all three.
- G. "Model Studio" means:
1. Any Place where there is conducted the business of furnishing figure models who pose in the nude or for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the Place; or
 2. Any place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.
 3. Exception. The words "Model Studio" do not include:
 - a. Any studio which is operated by any state college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or

- b. Any Place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection (a) of this subsection.

H. "Motion Picture Film" shall include any:

1. film or plate negative;
2. film or plate positive;
3. film designed to be projected on a screen for exhibition;
4. films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen; or
5. video tape or any other medium used to electronically reproduce images on a screen.

I. "Nude" shall include:

1. completely without clothing; or
2. with the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in a discernibly turgid state.

J. "Person" means any individual, partnership, firm, association, corporation or other legal entity.

K. "Place" includes, but is not limited to, any building, structure or space, or any separate part or portion thereof, whether permanent or not, or the ground itself.

L. "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a Motion Picture Film which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine.

M. "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of lewd matter.

§502. Lewd Films and Live Theater Productions and Theater Exhibiting the Same Declared a Public Nuisance; Abatement Thereof.

A. Any and every Place in the Township where lewd Motion Picture Films or Live Theater Productions are publicly exhibited or possessed for the purpose of such exhibition; and any and every Place in the Township where a lewd Motion Picture or Live Theater Production is publicly or repeatedly exhibited, or possessed for the purpose of such exhibitions, is a public nuisance.

B. Any and every lewd Motion Picture Film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under Section 2(A) above, is a public nuisance per se.

- C. From and after service on the owner or operator of the theater, or its manager, or acting manager, or person then in charge of such Place, of a true and correct copy of this ordinance and a true and correct copy of the Resolution and order of summary abatement provided for in Section 506 hereof, all monies paid thereafter as admission price to such exhibitions or productions are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

§503. Place of Business in Which Lewd Publications Constitute a Part of the Stock in Trade, Lewd Publications Possessed Therein, and Valuable Consideration Received for Sales Thereof, Declared a Public Nuisance; Abatement Thereof.

- A. Any and every Place in the Township where Lewd Publications constitute a part of the stock in trade is a public nuisance.
- B. Any and every Lewd Publication possessed at a Place which is a public nuisance under Section 503(A) above, is a public nuisance per se.
- C. From and after service on the owner or operator of such Place, or its manager, or acting Manager, or person then in charge of such Place, of a true and correct copy of this ordinance and a true and correct copy of the resolution and order of summary abatement provided for in Section 506 hereof, all valuable consideration received for the sale of such Lewd Publications is also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

§504. Massage Parlors of Model Studios Used for Purposes of Lewdness, Assignations, of Prostitution, or Upon Which Such Acts Occur, Declared a Public Nuisance; Abatement Thereof.

- A. Every Massage Parlor or Model Studio, which, as a regular course of business, is used for the purposes of lewdness, assignation, or prostitution, and every such Massage Parlor or Model Studio in or upon which acts of lewdness, assignations, or prostitution, are held or occur, is a public nuisance which shall be enjoined, abated and prevented.
- B. From and after service on the owner or operator of such Place, or its manager, or acting manager, or person then in charge of such Place, of a true and correct copy of this ordinance and a true and correct copy of the Resolution and order of summary abatement provided for in Section 506 hereof, all monies or other valuable consideration paid for, services rendered to customers are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

§505. Knowledge of Nuisance Presumed From Notice of Order of Abatement; Responsibility of Parties Therefor; Abatement of Such Nuisances.

- A. Upon and after receiving notice through service of a true and correct copy of this ordinance and a true and correct copy of the Resolution and order of summary abatement provided for in Section 506 hereof, any and every Person who shall own, legally, or equitably, lease, maintain, manage, conduct or operate a Theater or Place in the Township which is declared to be a public nuisance as set forth and stated in Sections

502, 503, or 504 of this ordinance, is deemed to be a Person who has knowledge of such nuisance for the purpose of this ordinance, and is, thereafter, responsible for its maintenance, and shall be liable therefor.

- B. The Places and Matters declared to be public nuisances under Sections 502, 503, or 504 shall be abated as provided for herein,

§506. Action to be Taken by the Sewickley Community Relations Panel.

The Sewickley Community Relations Panel shall investigate all complaints that activity constituting a public nuisance, as defined in Sections 502, 503, or 504 of this ordinance, exists in the Township. The Panel shall investigate the facts surrounding any such complaint and make recommendations to the Board of Supervisors as to the application of this ordinance to such activity. The recommendation shall include the evidentiary facts considered by the Panel in arriving at its recommendation. If the Panel recommends to the Board of Supervisors that any such activity constitutes a public nuisance under this ordinance, the stated evidentiary facts shall include those set forth at Section 507(C) of this ordinance.

§507. Action to be Taken by the Board of Supervisors of Sewickley Township.

Upon the recommendation of the Community Relations Panel that a public nuisance, as defined in Sections 502, 503, or 504 of this ordinance, exists in the Township, and upon the Board of Supervisors' specific finding that such a public nuisance exists in the Township, the Board of Supervisors in applying the provisions of this ordinance to such nuisance, shall provide for the following by Resolution:

- A. Declare the fact that such nuisance exists;
- B. Set forth the description or legal description and street address of the Place which constitutes the nuisance;
- C. Set forth the evidentiary facts considered by the Board of Supervisors in arriving at its factual determination.
 - 1. In the case of a Motion Picture Film or Live Theater Production, such shall include a recitation of the particular sexual conduct and acts which the Board of Supervisors finds are patently offensive, and the basis for the finding by the Board of Supervisors that (a) such Motion Picture Film or Live Theater Production is publicly exhibited or produced in the course of business, or that (b) such Motion Picture Film or Live Theater Production is publicly or repeatedly exhibited or produced, or held for such exhibition or production at the Place declared to be a nuisance.
 - 2. In the case of a Publication, such shall include a recitation of (a) the particular Publications or types of Publications considered by the Board of Supervisors, and those which the Board of Supervisors finds to be, patently offensive, and (b) the basis for the finding by the Board of Supervisors that such Publications are displayed, sold or held for sale at any Place found by the Board of Supervisors to be a public nuisance, and (c) the basis of the finding by the Board of Supervisors that such Publications constitute a part of the stock in trade of such Place of business or other Place.

3. In the case of a Massage Parlor or Model Studio, such shall include a recitation of (a) the particular acts of lewdness, assignation, or prostitution which have occurred, and (b) the basis for the finding by the Board of Supervisors that such acts occur in the course of business.
- D. Order all Persons described in Section (5) hereof to summarily abate such public nuisance within twenty-four hours of service of such order on any such Persons, by terminating the exhibition, sale or possession for sale of such Lewd Matter or by ceasing to use the Place where the nuisance is declared to exist or by terminating the use of said Place for the purposes of Lewdness, assignation, or prostitution, or causing the same to be terminated, and notifying the Board of Supervisors of compliance therewith by sworn affidavit as ordered by the action of the Board of Supervisors in such Resolution.
 - E. Order the Municipal Solicitor to proceed to do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible under the law, including requesting the Court to advance such proceedings on the calendar of the Court.
 - F. Inform and give notice to persons designated in Section 505(A):
 1. That the Board of Supervisors has determined that a public nuisance presently exists at such Place and address, and that, under Section 5(A) of said ordinance, they are deemed to have knowledge hereof and are responsible therefor.
 2. That in the event the order of the Township is not complied with within twenty-four hours, the Board of Supervisors has ordered the Township Solicitor, as provided for under Section 509 hereof, to commence necessary legal proceedings naming such Persons as defendants in a civil action to abate the public nuisance judicially under Section of this ordinance, and that under Sections 508(A) and 508(B) of this Ordinance, the costs of abatement of such civil abatement action filed including investigative costs, court costs, attorney's fees, and other expenses, are made a special assessment against the property upon which such nuisance is being maintained and, upon their determination in such court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any Person deemed to be in violation of this ordinance.
 3. All Lewd Motion Picture Films or Lewd Publications being used in conducting and maintaining such public nuisance are contraband and the subject of forfeiture, and
 4. From and after service on the owner or operator of such Place, or its manager, or acting manager, or Person then in charge of such a place, of a true and correct copy of this ordinance and a true and correct copy of such Resolution, any and all monies paid as admission price to or for the exhibition or exhibitions of such Lewd Motion Picture Films or production of such Lewd Live Theater Productions, and valuable consideration received for the sale of such Lewd Publications, and all monies or other valuable consideration received for services rendered in such Massage Parlors or Model Studios are a public nuisance, as personal property used in conducting and maintaining such nuisance and, as

such, are the subject of forfeiture.

- G. Order that a true and correct copy of said Resolution and a true and correct copy of this ordinance be delivered forthwith in any manner normally used to effectuate personal service of process to all Persons of record having any legal or equitable interest in the real property, and to the regular or acting manager or persons in charge of the place therein declared a public nuisance.

§508. Forfeiture to the General Fund of the Township, Cost of Abatement; Manner of Collection.

- A. Upon judgment for the Township in legal proceedings brought pursuant to this ordinance, an accounting shall be made by such defendant or defendants of all monies or valuable consideration received by them which have been declared to be a public nuisance under Sections 502(C), 503(C) or 504(B) of this ordinance. Such monies or their equivalent and any valuable consideration received shall be forfeited to the General Fund of the Township or to the Township as property of the Township if any valuable consideration received be not money.
- B. The cost of abatement shall include the following:
 - 1. Investigative costs.
 - 2. Court costs.
 - 3. Reasonable attorney's fees arising out of the preparation for, and trial of the cause, and appeals therefrom, and other costs allowed on appeal.
 - 4. Printing costs of trial and appellate briefs, and all other papers filed in such proceeding.

Such cost of abatement is herein made a special assessment against the property upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made a lien against such property and a personal obligation against any Person, and shall be collected at the same time and in the same manner as ordinary township taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary township taxes. All laws applicable to the levy, collection and enforcement of township taxes shall be applicable to such special assessment.

§509. Action to be Taken by the Township Solicitor.

Upon a specific finding by Resolution of the Board of Supervisors that a public nuisance exists at a particular location, the Township Solicitor, with the approval of the Board, is authorized to take whatever action is appropriate to carry out this ordinance.

§510. Penalty.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$600.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for

violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§511. Severability.

If any court shall determine that any word, clause, phrase, sentence, paragraph, or subsection of this ordinance is unconstitutional, illegal or invalid, the Court shall first attempt to construe or interpret such unconstitutional illegal or invalid provision so as to enable the same to be constitutional, legal and valid as so narrowed or construed. If the Court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, legal or valid, it shall strike or modify only the minimum number of words, phrases, clauses, sentences or paragraphs as will be absolutely necessary to render the remainder constitutional, legal or valid. In no case shall a clause or phrase or word or other portion hereof render any other word, clause, phrase, sentence, paragraph or section unconstitutional, illegal or invalid, but instead shall be severed therefrom entirely, with the balance of this ordinance in its entirety remaining in full force and effect.