

ORDINANCE NO. 101

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY, PENNSYLVANIA, TO ADD SECTION 3.400, REGULATING ADULT BOOK STORES, ADULT MOTION PICTURE THEATERS, AND CABARETS.

BE IT ORDAINED AND ENACTED by the Supervisors of Barrett Township, Monroe County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION I. The Barrett Township Zoning Ordinance is hereby amended by the addition of the following Section 3.400, entitled "Adult Book Stores, Adult Motion Picture Theaters, and Cabarets", to wit:

3.400 Adult Book Stores, Adult Motion Picture Theaters, and Cabarets

(a) Definitions

1. Adult Book Store. A commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities", or "Specified Anatomical Areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

2. Adult Motion Picture Theater. An establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Anatomical

Areas" (as defined below) for observation by patrons therein.

3. Cabaret. A club, bar, tavern, theater, hall, or similar place which features topless or bottomless dancers, entertainers, or employees, or strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

4. Specified Sexual Activities.

(1) Human Genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

5. Specified Anatomical Areas.

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) PROHIBITION IN RESIDENTIAL ZONES

It shall be unlawful to establish an Adult Book Store, Adult Motion Picture Theater, or Cabaret in any residential zone.

(c) THREE THOUSAND FEET SEPARATION REQUIRED

It shall be unlawful to establish an Adult Book Store, Adult Motion Picture Theater, or Cabaret within three thousand (3,000') lineal feet of any existing Adult Book Store, Adult Motion Picture Theater, or Cabaret.

(d) ALLOWANCE AS SPECIAL EXCEPTION

It shall be unlawful to establish an Adult Book Store, Adult Motion Picture Theater, or Cabaret within three thousand (3,000') feet of any school, church, or residential zone, except as a special exception in accordance with the procedure hereinafter set forth. The Zoning Hearing Board may authorize the establishment of an Adult Book Store, Adult Motion Picture Theater, or Cabaret, within three thousand (3,000') feet of a school, church or residential zone as a special exception only if the following findings are made by the Board:

1. That the proposed use will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and will not be detrimental to the general character of the area.

2. That the establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation and will not interfere with any program of urban renewal.

3. That all other applicable regulations of the Zoning Ordinance of the Township of Barrett, Monroe County, Pennsylvania, will be observed.

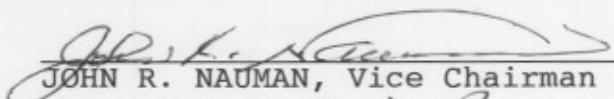
ORDAINED AND ENACTED as an Ordinance at a regular meeting of the Supervisors of Barrett Township, Monroe County, Pennsylvania, this 13th day of December, 1989.



(TOWNSHIP SEAL)

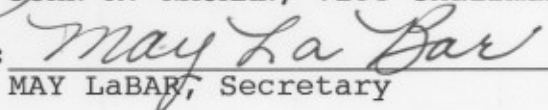
TOWNSHIP OF BARRETT

LAWRENCE C. HARDY, Chairman



JOHN R. NAUMAN, Vice Chairman

Attest:



MAY LaBAR, Secretary