

CHAPTER 6

CONDUCT

PART 1

FIREARMS AND OTHER WEAPONS

- §6-101. Discharge of Firearms Restricted
- §6-102. Use of Air Rifles, Paint Guns, Bows and Arrows or Similar Devices Restricted
- §6-103. Exception
- §6-104. Penalty for Violation

PART 2

PROTECTION OF PUBLIC PROPERTY

- §6-201. Definition and Interpretation
- §6-202. Tampering with Public Property or Property on Streets, Alleys or Public Ground Prohibited
- §6-203. Tampering with Stakes, Posts and Monuments Prohibited
- §6-204. Tampering with Warning Lamps, Signs or Barricades Prohibited
- §6-205. Removal of Material from Streets or Public Grounds Prohibited
- §6-206. Harmful Substances not to be Deposited on Streets, Sidewalks or Public Grounds
- §6-207. Exceptions
- §6-208. Penalty for Violation

PART 3

CURFEW

A. Nighttime Curfew.

- §6-301. Curfew for Children Under Age 18.
- §6-302. Responsibility of Parents
- §6-303. Exceptions
- §6-304. Police and/or Ordinance Officer Action; Warning; Penalties
- §6-305. Determination of Age

B. Daytime Curfew.

- §6-311. Purpose
- §6-312. Daytime Curfew

CONDUCT

§6-313. Daytime Curfew Violation

PART 4

ALCOHOLIC BEVERAGES

§6-401. Consumption of Alcoholic Beverages Prohibited

§6-402. Possession of Open Container Prohibited

§6-403. Penalty for Unlawful Consumption or Possession of Open Container

PART 5

**PROHIBITING THE PROMOTION OF PORNOGRAPHY
WITHIN THE BOROUGH**

§6-501. Purpose and Intent

§6-502. Definitions

§6-503. Classification

§6-504. Unlawful to Establish Sexually Oriented Businesses in Certain Areas

§6-505. Promoting Pornography

§6-506. Promoting Pornography for Minors

§6-507. Defenses

§6-508. Penalties

PART 1

FIREARMS AND OTHER WEAPONS

§6-101. Discharge of Firearms Restricted.

Except in necessary defense of person and property and except as provided in §6-103 of this Part, it shall be unlawful, within the Borough of Philipsburg, for any person to use, fire or discharge any gun or other firearms.

(Ord. 888, 3/2/1981, §1)

§6-102. Use of Air Rifles, Paint Guns, Bows and Arrows or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, paint gun, bow and arrow or similar device or any implement that is not a firearm which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm at any place, within the Borough except on a properly constructed target range or no closer than 500 feet to any dwelling or public building and except as provided in §6-103 of this Part.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-103. Exception.

Nothing in this Part shall be deemed to prohibit the proper use of firearms, bows and arrows or similar devices where their lawful use is permitted in hunting as provided for by the Pennsylvania Game Law and by the rules and regulations of the Pennsylvania Game Commission.

(Ord. 888, 3/2/1981, §1)

§6-104. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

PART 2

PROTECTION OF PUBLIC PROPERTY

§6-201. Definition and Interpretation.

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

(Ord. 888, 3/2/1981, §1)

§6-202. Tampering with Public Property or Property on Streets or Public Ground Prohibited.

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

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-203. 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 Borough made, placed or set or hereafter made, placed or set or caused to be done by the authorities of the Borough in any survey of or in any street or public ground in the Borough, to evidence the location, elevation, line, grade, corner or angle of any public street, sidewalk, curb, gutter, drain or other public work, matter or thing.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-204. 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 Borough or by any person doing work by permission of the authorities of the Borough on any of the streets, sidewalks or bridges in the Borough or on any public grounds of the Borough within or without the Borough as a warning of danger.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

CONDUCT

§6-205. Removal of Material from Streets or Public Grounds Prohibited.

Without permission of a Borough official, no person shall take any earth, stone or other material from any of the streets or public grounds in the Borough or from any property owned by the Borough of Philipsburg.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-206. Harmful Substances not to be Deposited on Streets, Sidewalks or Public Grounds.

No person shall, at any time, pour, throw or deposit any deleterious, harmful, destructive, noxious or pernicious substance or matter on any of the streets, sidewalks or public grounds in the Borough.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-207. Exceptions.

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, 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 Borough.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§6-208. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense and the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

PART 3
CURFEW

A. Nighttime Curfew.

§6-301. Curfew for Children Under Age 18.

It shall be unlawful for children under age 18 years to be or remain in or upon the streets, alleys, parks or public places in the Borough of Philipsburg at night after the hour of 11 p.m., prevailing time, unless such is accompanied by a parent, guardian or other persons having legal custody of such child or unless such activity falls within a specifically enumerated exception to this Part.

(Ord. 10/2/1978A, §1; as amended by Ord. 906, 7/12/1983, §1)

§6-302. Responsibility of Parents.

It is hereby unlawful for any parents, guardian or other person having the legal care or custody of any of the children above designated to allow or permit any such child, ward or other person under such age while in such legal custody to go or be in or upon any street, alley, park or public place in said Borough after the time provided in §6-301 of this Part unless such activity fall within a specifically enumerated exception to this Part.

(Ord. 10/2/1978A, §2; as amended by Ord. 906, 7/12/1983, §2)

§6-303. Exceptions.

After the time set forth in §6-301, children under the age of 18 years shall be permitted no more than 15 minutes traveling in the most direct route to return to their place of residence immediately following the conclusion or cessation of:

- A. School or church sponsored activities or events.
- B. Working hours at a regular place of employment.

(Ord. 906, 7/12/1983, §3)

§6-304. Police and/or Ordinance Officer Action; Warning; Penalties.

Any child as above designated found upon the Borough streets, parks or public places within the Borough in violation of §6-301 of this Part and any parent, guardian or per-

CONDUCT

son having legal custody of said child who allows or permits said child to go or be in or upon the Borough streets, alleys, parks or public places in violation of §6-302 of this Part shall be given a written warning of the violation. If said violation occurs a second or subsequent time, said offending child and his or her parent or legal guardian shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 10/2/1978, §3; as amended by Ord. 888, 3/2/1981, §1; by Ord. 906, 7/12/1983, §4; and by A.O.)

§6-305. Determination of Age.

The police and/or ordinance officer of the Borough shall use their discretion in determining age and in doubtful cases may require positive proof and until such proof is furnished, the officer's judgment shall prevail.

(Ord. 10/2/1978, §5; as amended by Ord. 906, 7/12/1983, §5; as amended by A.O.)

B. Daytime Curfew.

§6-311. Purpose.

The purpose of this Part is to promote the safety and good order of the community by helping to eradicate rowdiness, excessive noise, vandalism, harassment, graffiti, drug dealing and other behavior caused by juveniles that adds to disorder in the community and to encourage school attendance and parental responsibility.

(Ord. 968, 8/12/1996)

§6-312. Daytime Curfew.

1. It shall be unlawful for any child of compulsory school age (now age 17 years) enrolled in any elementary or secondary school, including cyber school, to be or remain in or upon any public street, alley, highway, park or other public place or in any enclosure or vehicle which is on or in close proximity to any such street, alley, highway, park or public place in the Borough between the hours of 9 a.m. and 2:30 p.m. on any day for which school is in session, unless such child has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child educated through a home school program pursuant to Pennsylvania School Code §1327.1 (Home Education), a parent shall be deemed an authorized official. (A.O.)

2. It shall be unlawful for any parent, guardian or person in parental relation having control or charge of any child of compulsory school age to permit such child to be or remain in or upon any public street, alley, highway, park or other public place or in any enclosure or vehicle which is on or in close proximity to any such street, alley, highway, park or public place in the Borough between the hours of 9 a.m. and 2:30 p.m. on any day for which school is in session, unless such child has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child educated through a home school program pursuant to Pennsylvania School Code §1327.1 (Home Education), a parent shall be deemed an authorized official.
3. It shall be unlawful for any person to act as an accomplice in violating any of the provisions of this Part. A person is an accomplice of a child in violation of any provisions of this Part if with the intent of promoting or facilitating the commission of the offense, they:
 - A. Solicit the child to commit.
 - B. Aid or agree or attempt to aid such other person in planning or committing it.

(Ord. 968, 8/12/1996; as amended by A.O.)

§6-313. Daytime Curfew Violation.

1. Offense of the Child.
 - A. Any child who shall fail to comply with the provisions of this Part relating to daytime curfew on a first offense shall be arrested or apprehended, taken into custody and transported to police headquarters for proper identification. After identification has been properly ascertained, it shall be entered into a data base by the Borough. The arresting or apprehending officer shall properly notify the parents, guardian or person in parental relation to such child and, unless requested by such parent, guardian or person in parental relation to, place said child in a school other than public school, they shall place said child in the public school in which the child is, or should be enrolled, subject to the appropriate disciplinary action.
 - B. Any child who shall fail to comply with the provisions of this Part relating to daytime curfew on a second or succeeding offense shall, upon conviction there, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, shall be referred by the district justice to the Juvenile Court pursuant to the Juvenile Act, 42 Pa.C.S.A. §6301 et seq. In lieu of a fine, community service may be assigned by a district justice at their discretion. [A.O.]

CONDUCT

2. Offense of the Parent. Every parent, guardian or person in parental relation having control or charge of any child of compulsory school age who shall fail to comply with the provisions of this Part relating to daytime curfew shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In lieu of a fine, community service may be assigned by a district justice at his discretion. [A.O.]

3. Accomplices. Any person found to be an accomplice shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs. In cases of default of payment where the accomplice is determined to be a juvenile legally disenrolled from school, the accomplice shall be referred by the district justice to the Juvenile Court pursuant to Juvenile Act 42 Pa.C.S.A. §6301 et seq. In lieu of a fine, community service may be assigned by a district justice at his discretion.

(Ord. 968, 8/12/1996)

PART 4

ALCOHOLIC BEVERAGES

§6-401. Consumption of Alcoholic Beverages Prohibited.

It shall be unlawful for any person to consume alcoholic or malt beverages on the sidewalks, streets, playgrounds, parks, parking lots or public recreational areas within the Borough of Philipsburg or Borough owned property.

(Ord. 892, 6/1/1981, §1; as amended by A.O.

§6-402. Possession of Open Container Prohibited.

It shall be unlawful for any person to possess an open container of alcoholic or malt beverage on the sidewalks, streets, playgrounds, parks, parking lots or public recreational areas within the Borough of Philipsburg or Borough owned property.

(Ord. 892, 6/1/1981, §2; as amended by A.O.

§6-403. Penalty for Unlawful Consumption or Possession of Open Container.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 892, 6/1/1981, §3; as amended by A.O.

PART 5

**PROHIBITING THE PROMOTION OF PORNOGRAPHY
WITHIN THE BOROUGH**

§6-501. Purpose and Intent.

It is the purpose of this Part to promote the health, safety, morals and general welfare of the citizens of the Borough of Philipsburg and to establish reasonable and uniform regulations regarding the location and concentration of sexually oriented businesses and the promotion of pornography within the Borough. The provisions of this Part have neither the purpose nor affect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor affect of this Part to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor affect of this Part to condone or legitimize the distribution of obscene materials.

(Ord. 935, 3/13/1989, §1)

§6-502. Definitions.

The words and phrases set forth below shall have the meaning respectively ascribed to them:

AUDIENCE — one or more persons who are permitted to view a performance for valuable consideration or in or from a public place.

ADULT ARCADE — any place to which the public is permitted or invited or in which coin operated or slug operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image producing devices are maintained to show images to an audience and where the image is so displayed, distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE — a commercial establishment having a substantial or significant portion of its stock in trade including, but not limited to, books, magazines, periodicals, visual representation or writings, distinguished or characterized by emphasis on matter depicting, describing or related to "specified anatomical areas" or to "specified sexual activities" or an establishment with a segment or section devoted to the sale or display of such materials. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be characterized as an "adult bookstore." Such other business purposes will not serve to exempt such commercial estab-

CONDUCT

ishment from being characterized as an "adult bookstore" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET — a night club, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity.
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL — a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration, provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible for the public right-of-way which advertises the availability of this adult type of photographic productions.
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours.
- C. Allows a tenant or occupant of the sleeping room to sublet room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar graphic reproductions are displayed which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

DISPLAY PUBLICLY — the exposing, placing, posting, exhibiting or in any other fashion displaying, in any location whether public or private, material or a performance in such a manner that it may be readily seen and its contents or character distinguished by normal unaided vision viewing it from a public place or vehicle.

DISSEMINATE — to manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same or to have in one's possession with intent to do the same.

ESCORT — a person who, for consideration, agrees or offers to act as a companion, guide or date for any person or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

ESCORT AGENCY — a person or business association who furnishes, offers to furnish or advertises to furnish, as one of its primary business purposes, for a fee, tip or other consideration.

ESTABLISHMENT — includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business.
- B. The conversion of an existing business, whether or not a sexual oriented business, to any sexually oriented business.
- C. The addition of any sexually oriented business to any other existing sexually oriented business.
- D. The relocation of any sexually oriented business.

NUDE MODEL STUDIO — any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY — uncovered or less than opaquely covered postpubital human genitals or pubic area, the postpubital human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

PANDER — advertising or propagandizing in connection with the sale of material, the offering of the service or the presentation or exhibition of a performance by appealing to the prurient interests of potential customers.

PERFORMANCE — any live or reproduced exhibition including, but not limited to, any play, motion-picture film, dance or appearance presented to or performed before an audience.

PORNOGRAPHIC — relating to pornography.

PORNOGRAPHY — any material or performance is "pornography" if all of the following elements are present:

- A. Considered as a whole, by the average person, applying the contemporary community standards of the Borough of Philipsburg, it appeals to the prurient interest.

CONDUCT

- B. It depicts, describes or represents, in a patently offensive way, sexual conduct as hereinafter defined.
- C. It lacks serious literacy, artistic, political or scientific value.

PORNOGRAPHY FOR MINORS — any material performance is "pornography for minors" if all of the following elements are present:

- A. Considered as a whole by the average person applying the contemporary community standards of the Borough of Philipsburg with respect to what is suitable for minors, it is presented in such a way as to appeal to a minor's prurient interest.
- B. It depicts, describes or represents, in a patently offensive way, nudity or sexual conduct as hereinafter defined.
- C. It lacks serious literary, artistic, political or scientific value for minors.

PRURIENT INTEREST — desire or craving for sexual stimulation or gratification. In determining "prurient interest" the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to prurient interests of a particular group of persons including, but not limited to, homosexuals or sado-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.

PUBLIC PLACE OR VEHICLE — any of the streets, alleys, parks, boulevards, schools or other public property in the Borough of Philipsburg or any dance hall, rental hall, theater, amusement park, liquor establishment or depot, place of public accommodation or other private property generally frequented by the public for the purpose of education, recreation, amusement, entertainment, sport, shopping or travel or any vehicle for public transportation, owned or operated by government, either directly or through a public corporation or authority or owner or operated by any non-governmental agency for the use, enjoyment or transportation of the general public.

SADOMASOCHISTIC ABUSE — flagellation or torture by or upon a person who is nude or clad in undergarments or in sexually revealing or bizarre costume or the condition of such person being fettered, bound or otherwise physically restrained in an apparent act of sexual stimulation or gratification.

SEXUAL CONDUCT –

- A. Masturbation.
- B. Sexual intercourse, whether genital-genital, oral-genital, oral-anal or anal-genital.

- C. Any erotic fondling or touching of any parts of the covered or uncovered genitals, buttocks, pubic area or breasts of the female.
- D. Actual or simulated display or exhibition of human pubic area or genitals or any part thereof.
- E. Sexual excitement, as hereinafter defined.
- F. Sadomasochistic abuse as hereinbefore defined.

The conduct described in subsections (A) through (C) inclusive, is "sexual conduct" whether or not it is engaged in alone or between members of the same sex or between members of the opposite sex or between humans and animals or between humans and inanimate objects.

SEXUAL ENCOUNTER CENTER — a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- B. Activities between male and female persons and/or person of the same sex when one or more of the persons is in a state of nudity.

SEXUAL EXCITEMENT — the facial expressions, movements, utterances or other responses of a human male or female, whether alone or with others, whether clothed or not, who is in an apparent state of sexual stimulation or arousal or experiences the physical or sensual reactions of humans engaging in or witnessing sexual conduct.

SEXUALLY ORIENTED BUSINESS — an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or tattoo or piercing shop.

SPECIFIED ANATOMICAL AREAS — human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES — human male genitals in a discernibly turgid state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

(Ord. 935, 3/13/1989, §2; as amended by A.O.)

CONDUCT

§6-503. Classification.

Sexually oriented business are classified as follows:

- A. Adult arcades.
- B. Adult bookstores.
- C. Adult cabarets.
- D. Adult motels.
- E. Adult motion-picture theaters.
- F. Adult theaters.
- G. Escort agencies.
- H. Nude model studios.
- I. Sexual encounter studios.
- J. Tattoo and piercing shops.

(Ord. 935, 3/13/1989, §3; as amended by A.O.)

§6-504. Unlawful to Establish Sexually Oriented Businesses in Certain Areas.

It shall be unlawful to establish or maintain any sexually oriented business in or within 500 feet of another sexually oriented business, a church, a public or private elementary or secondary school, a boundary of any residential district, a public park adjacent to any residential district or the property line of a lot devoted to residential use. A sexually oriented business may be approved by the Zoning Board in an Industrial District.

(Ord. 935, 3/13/1989, §4; as amended by A.O.)

§6-505. Promoting Pornography.

1. It shall be unlawful for any person to promote pornography. A person commits the offense of promoting pornography if, knowing its content and character, he:
 - A. Disseminates or causes to be disseminated any pornographic material in or from a public place or vehicle or for valuable consideration or has in his possession any pornographic material with intent to so disseminate or knowingly allows the use of any business, building, vehicle or place owned, lease,

- conducted or managed by him for such dissemination of pornographic materials.
- B. Sells an admission ticket or pass to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic.
 - C. Admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic.
 - D. Produces, presents, directs or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him to be used for a pornographic performance before an audience.
 - E. Participates in that portion of a live performance before an audience which makes it pornographic.
 - F. Panders, displays publicly or disseminates door to door any pornographic material or performance or causes such pandering, public display or door to door dissemination.
2. For the purposes of this Section, possession of two or more identical copies of any pornographic material by any person engaged in the business of disseminating material, as defined above, shall be prima facie evidence of possession with intent to disseminate for valuable consideration.

(Ord. 935, 3/13/1989, §5)

§6-506. Promoting Pornography for Minors.

- 1. It shall be unlawful for any person to promote pornography for minors. A person commits the offense of promoting pornography for minors if, knowing its content and character, he:
 - A. Disseminates or causes to be disseminated to a minor material which is pornography for minors or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him for the dissemination to a minor of material which is pornography for minors.
 - B. Exhibits to a minor a motion-picture film or other performance which is pornography for minors.
 - C. Sells to a minor an admission ticket or pass to any building, vehicle or place where there is being exhibited or is about to be exhibited a motion-picture film or other performance which is pornography for minors.

CONDUCT

- D. Admits a minor to any building, vehicle or place where there is being exhibited or is about to be exhibited a motion-picture film or other performance which is pornography for minors.
 - E. Knowingly produces, presents, directs or allows the use of any business building, vehicle or place owned, leased, conducted or managed by him for the presentation of a performance which is pornography for minors, before an audience which includes a minor.
 - F. Displays publicly or disseminates door to door any material or performance which is pornography for minors or causes such public display or door to door dissemination.
2. Subsections (1)(A) through (E) do not apply to a parent, guardian or other persons in loco parentis to the minor.

(Ord. 935, 3/13/1989, §6)

§6-507. Defenses.

It shall be an affirmative defense to a prosecution under §§6-502 or 6-503 of this Part if the pornographic material was disseminated by a person who was acting in his capacity as:

- A. A teacher of an accredited course of study related to pornography at a State approved educational institution.
- B. A licensed medical practitioner or psychologist in the treatment of a patient.
- C. A participant in the criminal justice system, such as a legislator, judge, prosecutor, law enforcement official or other similar or related position.
- D. A supplier to any person described in subsections (A) through (C) above.

(Ord. 935, 3/13/1989, §7)

§6-508. Penalties.

- 1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. Injunction. Council may institute proceedings in equity in the Court of Common Pleas of Centre County for the purpose of enjoining the sale, resale, lending, distribution, exhibit, gift or show of such pornographic literature, book magazine, pamphlet, newspaper, storypaper, written or printed matter of an obscene nature or any article or instrument of a pornographic nature, contrary to the provisions of this Part and for such purposes jurisdiction is hereby conferred upon said court. A preliminary injunction may issue and a hearing thereafter be held thereon in conformity with the Rules of Civil Procedure upon the averment of the Council that the sale, resale, lending, distribution, exhibit, gift or show of such publication constitutes a danger to the welfare or peace of the community.

(Ord. 935, 3/13/1989, §8; as amended by A.O.)