CHAPTER 13

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Part 1

Regulating Alarm Devices

§101. Definitions. As used in this Part 1, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ACCIDENTAL FALSE ALARM - any false alarm which is not an intentional false alarm as defined herein, or, not when an intrusion, crime, fire or other emergency has actually occurred.

ALARM - a communication to the police department or Logan Fire Base indicating that a crime, fire or other emergency situation warranting immediate action by the police department or Logan Fire Base has occurred or is occurring.

ALARM DEVICE - a mechanical devise designed to automatically transmit an alarm by wire, telephone, radio or other means (1) directly to the police department or Logan Fire Base, (2) to a person who is instructed to notify the police department or Logan Fire Base of the alarm, or (3) to activate a bell or sounding device or others to the existence of a crime, fire or other emergency situation warranting police action.

CENTRAL RECEIVING STATION - the alarm or control panel installed in the police department or Logan Fire Base for the purpose of giving visual or audio response to direct alarm devices.

DIRECT ALARM DEVICE - an alarm device, other than a telephone dialer alarm device, designated to transmit an alarm directly to the police department or Logan Fire Base.

FALSE ALARM - an alarm to which the police department or fire department responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the police department has not in fact occurred.

INDIRECT ALARM DEVICE - an alarm device designed to transmit an alarm to a person who is instructed to notify the police department or Logan Fire Base of the alarm.

INTENTIONAL FALSE ALARM - a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the police department or fire department has occurred or is occurring.

PERMIT HOLDER - a person to whom the police department has issued an alarm device permit.

PERSON - an individual, corporation, partnership, incorporated association or other similar entity.

TELEPHONE DIALER ALARM DEVICE - an alarm device designed to automatically

transmit a recorded message over regular telephone lines directly to the police department, Logan Fire Base, or to a person who is instructed to notify the police department or Logan Fire Base of the alarm.

In this Part 1, the singular shall include the plural; the plural shall include the singular; the masculine shall include the feminine and the neuter.

(Ord. 5-7-87, 5/7/1987, §1)

§102. Permits Required.

1. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises within the Township of Logan to put an alarm device into operation on his premises or to allow an alarm device to be put into operation on his premises without first obtaining an alarm device permit from the police department. It shall also be unlawful for a property owner, lessee of property or a person otherwise occupying a premises outside of the Township of Logan to put into operation on his premises an alarm device which terminates at the Township of Logan's police department or Fire Base, or to allow such an alarm device to be put into operation on his premises without first obtaining an alarm device permit from the police department.

2. In order to apply for an alarm device permit, a person must submit an application to the police department stating:

A. His name;

B. His home and business addresses and the telephone number of each;

C. The location at which the alarm device will be installed and operated;

D. The names, addresses and telephone numbers of at least two (2) individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time, but who do not reside at the premises at which the alarm device is located; and

E. A general written description of the device other than schematics.

If the device is to be leased or rented from, or is to be serviced pursuant to a service agreement by, a person other than the person making application for an alarm permit, the name, address and telephone number of that person must be stated in the application. In addition, each person submitting an application for an alarm device permit shall submit a signed statement in the following form:

"I (We), the undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the Township of Logan that neither I (we), nor anyone claimed by, through or under me (us), shall make any claim against the Township of Logan, its officials or agents, for any damages caused to the premises at which the alarm device, which is subject of this application, is or will be located, if such damage is caused by a forced entry to said premises by employees of the Township of Logan in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of said employees the circumstances appear to warrant a forced entry."

The police department shall furnish forms which any person wishing to apply for an alarm device permit shall submit with his application.

3. A person applying for an alarm device permit for a telephone dialer alarm device, local sounding device, or an indirect alarm device shall submit the required fee along with his application. The fee shall be fixed from time to time by resolution of the Logan Township Board of Supervisors.

4. The police department shall, within fifteen (15) workdays from receipt of an application for an alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his application has been denied and the reason why it has been denied.

5. An application for an alarm device permit may only be denied for the following reasons:

A. The application submitted by the applicant does not comply with subsection (2) and (3) of this section.

B. The applicant's alarm device does not conform to the operational standards set forth in §103 of this Part 1.

6. Notwithstanding the language contained in Subsection (1) of this §102, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of ninety (90) days after the effective date of this Part 1; provided, said alarm device was in operation on the effective date of this Part 1.

7. The police department shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked by notifying the permit holder in writing that his alarm device permit has been revoked and the reason or reasons why it has been revoked. Said written notice shall be:

A. Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery; or

B. Mailed to the permit holder at his last known address by certified mail, postage prepaid, in which case the revocation shall be effective three (3) days after mailing.

8. An alarm device permit may only be revoked for the following reasons:

A. Failure of an alarm device to conform to the operational standards set forth in §103 of this Part 1.

B. Failure of a permit holder to pay a false alarm charge assessed to him by the police department under the provisions of §104 of this Part 1 within thirty (30) days of the mailing to him of a notice of the assessment of a false alarm charge.

C. The occurrence of more than twelve (12) false alarms from an alarm device during any calendar year.

D. The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of fifteen (15) who resides on the premises where the alarm device is located.

E. Failure of a permit holder with a direct alarm device to pay to the police department installation or maintenance fees assessed to him under §105 of this Part 1 within thirty (30) days of the due date thereof.

9. A person who has had his alarm permit revoked under subsections (7) and (8) of this §102 may reapply for an alarm device permit forty-five (45) days after the effective date of such revocation; provided, that if a person's alarm device permit was revoked for nonpayment of a false alarm charge or for nonpayment of installation or maintenance fees or both, the police department shall deny said application unless such charge or fee or both have been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked on the basis of an occurrence of an intentional false alarm may not reapply for an alarm device permit for one (1) year from the effective date of the second revocation.

(Ord. 5-7-87, 5/7/1987, §2)

§103. Operational Standards.

1. If an alarm device is designated to transmit a recorded message directly to the police department or Logan Fire Base, the duration of such recorded message shall not exceed sixty (60) seconds. The contents of the recorded message shall be intelligible and in a format approved by the police department.

2. An alarm device need not contain a delay service which causes a delay to occur between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.

3. A direct alarm device shall be designed to dial only specific telephone numbers designated by the police department or Logan Fire Base; and to allow the permit holder to abort the alarm signals.

4. A direct alarm device shall be designed so that it interfaces with the Central Receiving Station maintained by the police department.

5. If an alarm device is designed to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after ten (10) minutes of operation. Preexisting units must be modified for a ten (1) minute device unless said unit cannot be modified without replacement.

6. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards, and shall be permitted under this Part 1 if in conformity thereto. An alarm device which does not meet any of the above standards or for which there is no recognized industry standard shall require the applicant for a permit to submit evidence of the reliability or suitability of the alarm device. Any permit issued for such an alarm device which does not conform to the recognized standard shall be conditionally subject to satisfactory performance of said alarm device after installation. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.

7. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises, or other forces unrelated to

genuine alarm situations.

8. The alarm device must be maintained by the permit holder in good repair to assure reliability of operation.

(Ord. 5-7-87, 5/7/1987, §3)

§104. False Alarms.

1. Intentional False Alarms. No permit holder or person shall create an intentional false alarm.

2. Accidental False Alarms. Any person or permit holder causing accidental false alarms for any reason shall pay to the Township of Logan a charge for each and every false alarm to which the police and/or fire departments respond, in each calendar year, as follows:

Alarms sound after first month of installation

First to third alarm each year	No charge
Fourth to tenth alarm each year	$25.00 per alarm
All other alarms each year	$50.00 per alarm

3. When a false alarm occurs, the police department, within ten (10) days from the date of the false alarm, shall notify the permit holder of the alarm device from which the false alarm emanated or other person causing said false alarm that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed to the permit holder or person causing said false alarm at his last known address by regular mail, postage prepaid. Failure of the police department to mail notice of assessment of false alarm charge within ten (10) days from the occurrence of a false alarm shall preclude the Township of Logan from assessing a false alarm charge for said false alarm.

4. A false alarm charge shall be due and payable at the office of the police department thirty (30) days from the date of the mailing of the notice of assessment of the charge.

5. Failure of a permit holder to pay a false alarm charge on or before the date due shall subject such permit holder to revocation of his alarm device permit under §102(8) of this Part 1.

6. Failure of a person causing a f ire alarm, other than a permit holder, to pay a false alarm charge on or before the date due shall constitute a violation of this Part 1, and shall subject said person to the penalties set forth in §111 hereof.

(Ord. 5-7-87, 5/7/1987, §4)

§105. Installation and Maintenance Fees for Direct Alarm Systems.

1. A permit holder who has a direct alarm device which is connected to a Central Receiving Station at police department headquarters or the Logan Fire, Base shall be required to pay to the Township of Logan or its designee a fee for the connection of his direct alarm device to the Central Receiving Station and a monthly fee for the maintenance of the Central Receiving Station.

2. The fee for connection of a direct alarm device to a Central Receiving Station at police department headquarters or the Logan Fire Base shall be established from time to time by the Board of Supervisors plus the actual cost of interface into the Central Receiving Station for each such connection.

3. In addition, a permit holder who has a direct alarm device shall pay a monthly fee for the maintenance of the Central Receiving Station. This maintenance fee shall be determined by the Logan Township Board of Supervisors on an annual basis by prorating the maintenance costs among the number of permit holders at the time using the Central Receiving Station, regardless of how long a permit holder has been connected to the Central Receiving Station. The police department shall annually notify each permit holder who has a direct alarm device of the amount of the assessment for maintenance of the Central Receiving Station, if there has been a change in such assessment. Such notice shall be in writing and mailed to the permit holder at his last known address by regular mail, postage prepaid. The maintenance fee shall be due and payable at the office of the police department or its designee thirty (30) days from the date of the notice of assessment of the maintenance fee.

4. The fee for connection of a direct alarm device to a Central Receiving Station shall be due and payable at police department headquarters or its designee at the time an alarm device permit is issued to an applicant for such a permit. The. police department shall not issue an alarm device to an applicant until such fee is paid.

5. The police department or Logan Fire Base shall not in any way be obligated to provide or continue to provide a Central Receiving Station facility or facilities for direct alarm devices; provided, that if the police department or Logan Fire Base decides to discontinue operation of a Central Receiving Station facility it shall notify all permit holders serviced by said facility.

6. Failure of a permit holder to pay a monthly fee for the maintenance of the Central Receiving Station to which his direct alarm device is connected within thirty (30) days of the date said payment is due shall be subject to the disconnection of his direct alarm device from the Central Receiving Station and to the revocation of his alarm device permit under §102(8) of this Part 1.

(Ord. 5-7-87, 5/7/1987, §5; as amended by Ord. 10-27-88, 10/27/1988)

§106. Change in Location of the Police Department. If the location of the headquarters of the police, department or Logan Fire Base should change at any time, the Township of Logan shall not be responsible for any cost incurred by permit holders or other persons because of said change in location.

(Ord. 5-7-87, 5/7/198/, §6)

§107. Testing. No person shall conduct or test any alarm device without first obtaining permission from the police department. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the Central Receiving Station. (Ord. 5-7-87, 5/7/1987, §7)

§108. Liability of Municipality. The issuance of any permit shall not constitute acceptance by the Township of Logan of any liability to maintain any equipment, to answer alarms, nor otherwise render the Township of Logan liable to any person for any loss or damage relating to the alarm system or procedure. (Ord. 5-7-87, 5/7/1987, §8)

§109. Administration and Enforcement. Administration and enforcement of this Part I shall be functions of the Township of Logan and shall include the following:

1. Authority to accept or reject a permit application or revoke a permit because of a misrepresentation or false statement contained in any application for a permit, failure to correct any deficiencies in equipment or operation of an alarm device after receipt of due notice from the Township of Logan, or not meeting other conditions and specifications of this Part 1.

2. Authority to order the discontinuance of an alarm device until such device is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the Township of Logan as a result of false alarms.

3. Authority, at reasonable times and upon written notice, to enter upon any premises within the Township of Logan to inspect the installation and operation of an alarm device.

(Ord.,5-7-87, 5/7/1987, §9)

§110. Right to Appeal. Whenever, under the provisions of this Part 1, the police department is empowered to make a decision with respect to the installation, operation or maintenance of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by such decision may, within ten (10) days following the decision, file a written appeal therefrom with the Board of Supervisors of the Township of Logan, whereupon the Board of Supervisors shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Board of Supervisors shall be final. (Ord. 5-7-87, 5/7/1987, §10)

§111. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 ($100.00) Dollars and not more than One Thousand and no/100 ($1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 5-7-87, 5/7/1987, §11; as amended by Ord. 10-27-88, 10/27/1988; and by Ord. 9-19-96, 9/19/96, §1; and by Ord. 2-13-97, 2/13/97, §1)

§112. Title. This Part 1 shall be known and may be cited as "Logan Township Police and Fire Alarm Ordinance." (Ord. 5-7-87, 5/7/1987, §14)

Part 2

Junk and Salvage Yards

§201. Short Title. This Part 2 shall be known and may be cited as "Logan Township Junk and Salvage Yard Ordinance". (Ord. 816, 12/l/1966, §1)

§202. Definitions. Unless otherwise expressly stated, the following words shall for purposes of this Part 2 have the following meanings:

BOARD - the Board of Supervisors of Logan Township.

JUNK OR SALVAGE - any and all discarded and/or salvaged materials including, but not limited to scrap metal, scrapped, inoperable, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, structures or parts thereof including used lumber or other building components or materials, household items such as refrigerators, stoves, washing machines, plumbing and heating fixtures, furniture, et cetera, it being the intent and purpose of this definition to include any and all items received for the purpose of salvage, storage and re-use or resale. Junk and salvage shall not include, however, any material which is required to be recycled pursuant to Chapter 20 of the Code of Ordinances entitled "Solid Waste". Any person desiring to store or accumulate materials required to be recycled pursuant to Chapter 20 hereof, shall also comply with the requirements thereof. (Ord. 2-13-97A, 2/13/97, §2)

JUNK DEALER - any person who buys, sell, salvages, stores or in any way deals in junk or salvage or owns, leases, operates or maintains a junk or salvage yard within the Township.

JUNK OR SALVAGE YARD - any place where junk or salvage as defined hereinabove is kept, stored or accumulated.

PERSON - any individual, partnership, association, firm or corporation or other legal entity; the singular shall include plural and the masculine shall include the feminine.

TOWNSHIP - the Township of Logan, Blair County, Pennsylvania.

(Ord. 816, 12/l/1966, §2; as amended by Ord. 2-13-97A)

§203. License Required.

1. No person shall engage in business as a junk or salvage dealer, or own, operate, lease or maintain a junk or salvage yard, without first having obtained a license so to do. The license shall be effective for one (1) calendar year only, such year to begin on January 1st of each year and to terminate December 31st of the same year, and must be renewed annually. Such license shall be displayed conspicuously upon the junk or salvage yard premises and shall be non-transferable both as to the premises and to licensee. Any one license issued shall be valid as to the named licensee and for one premises or place of business only.

2. Any premises upon which two (2) or more, unlicensed or scrapped or inoperable or abandoned or junked automobiles are kept, stored or maintained for a period in excess of ten (10) days shall be

deemed a junk or salvage yard under the provisions of this Part 2, the owner, operator, or person maintaining such premises required to obtain a license, and in default thereof or in complying with any provisions of this Part 2, subject to the penalties as hereinafter provided.

(Ord. 816, 12/l/1966, §3)

§204. Application for License. Any person desiring to operate a junk or salvage yard within the Township of Logan shall submit an application for a license therefor upon an application form to be supplied by the Township, such application to include, but not be limited to the applicant's name and address, the names and addresses of any other person interested in the business, an accurate description of the premises upon which the junk or salvage yard business is to be conducted, including a plot plan of the premises prepared by a registered surveyor as indicated on said plot showing the set-backs as hereinafter required, a statement that the applicant will comply with the provisions of this Part 2 and any Regulations of the Township which may be adopted hereunder, shall be sworn to or affirmed by the applicant. (Ord. 816, 12/l/1966, §4; as amended by Ord. 2-13-97A, 2/13/97, §2)

§205. License Fees. The license fee shall be due and payable at and immediately before the issuance or renewal of license. The amount of the license fee shall be established from time to time by the Board of Supervisors. (Ord. 816, 12/l/1966, §5; as amended by Ord. 10-27-88, 10/27/1988)

§206. Issuance of Licenses.

1. The license provided for in this Part 2 shall be issued by the Township after written application shall have been made therefor by the person desiring to be licensed, and the license fee required herein tendered with such application. Upon receipt of the application, the Township shall review the same and shall examine the premises to be licensed and if satisfied of the propriety of the application, the conformance of the licensee and the premises with the Regulations hereinafter set forth, the suitability of the property proposed to be used for the purpose of the license from the standpoint of the character of the properties located nearby and the effect of the proposed use upon the Township, both economic and aesthetic, the Township shall cause the license to be issued.

2. The Township may refuse to issue a license or once issued, suspend and/or revoke such license upon notice and hearing, in any case where it determines all or any one of the above conditions set forth in subsection 1 of this §206 have not been met, or where the Township shall determine that the proposed use would constitute a nuisance, in which case the license fee will be returned to the applicant or in the event any provision or any regulation of this Part has been violated.

(Ord. 816, 12/l/1966, §6; as amended by Ord. 2-13-97A, 2/13/97, §2)

§207. Records and Inspection. Every person required to be licensed under the provisions of this Part 2 shall maintain full and complete records of the operation of his junk or salvage operation, including a description of all articles or material received by him, or by him removed or delivered from the junk or salvage yard, the date, and hour of such receipt or removal, and the name and address of the person from or to whom such articles or material were received or delivered. Such records, as well as the premises required to be licensed, shall at all times be open and available to inspection by the Board or its duly authorized representatives. (Ord. 816, 12/l/1966, §7)

§208. Regulations. The Township may, by Resolution, adopt and amend, from time to time,

regulations governing Junk and Salvage Yards.

(Ord. 816, 12/l/1966, §8; as amended by Ord. 2-13-97A, 2/13/97, §2)

§209. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred and no/100 ($300.00) Dollars and not more than One Thousand and no/100 ($1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 816, 12/l/1966, §9; as amended by Ord. 10-27-88, 10/27/1988; and by Ord. 9-19-96, 9/19/96, §2; and by Ord. 2-13-97A, 2/13/97, §2)

§210. Abatement of Nuisances. In addition to the remedies provided in Section 209 hereof, the Township shall have the power to remove any nuisance or dangerous structure on any junk or salvage yard pursuant to Township Ordinances governing dangerous buildings and/or nuisances, after notice to the person having been issued a license pursuant hereto, and in said person's default, to collect the cost of such removal and/or abatement and file a municipal lien against the real estate as provided by law. In addition, the Township may proceed against the violator of this part in an action in equity or such other remedies as may be provided by law. (Ord. 816, 12/l/1966, §10; as amended by Ord. 9-19-96, 9/19/96, §2; and by Ord. 2-13-97A, 2/13/97, §2)

Part 3

Regulating Licenses of Transient Retail Merchants

§301. Title. This Part 3 shall be known and may be cited as "The Regulation and Licensing of Transient Retail Merchants." (Ord. 12-18-86, 12/18/1986, §1, as amended by Ord. 12-5-96, 12/5/96, §2)

§302. Definitions. The following words and phrases when used in this Part 3 shall have the meanings ascribed to them in this §302, except where the context clearly indicates a different meaning:

PERSON - any association, firm, partnership, corporation or any other entity, as well as, a natural person male or female. The singular shall include the plural.

TOWNSHIP COORDINATOR - the person authorized and empowered by the Logan Township Board of Supervisors to issue license cards as required for a transient retail business and to oversee the enforcement of this Part 3.

TRANSIENT RETAIL MERCHANT - every person, whether principal or agent, entering into, beginning, or desiring to begin, a transient retail business in Logan Township for the sale of any goods, wares, or merchandise whatsoever, and who hires, leases, occupies, or uses any room, apartment, store, shop, building, railway car, or other place or structure for the exhibition and sale of such goods, wares, or merchandise or who sells such goods, wares or merchandise door to door. Said terms shall include a participant as a vendor in a flea market and a door to door peddler. Nothing contained herein shall apply to farmers selling their own produce, or to any sale of goods, wares, or merchandise, the proceeds of which are to be applied to any charitable or philanthropic purpose. (Ord. 12-5-96, 12/5/96, §2)

TRANSIENT RETAIL BUSINESS - any business conducted in Logan Township for the sale of goods, wares or merchandise whatsoever. (Ord. 12-5-96, 12/5/96, §2)

LICENSE - the written authorization by the Township Supervisors conferring the right to operate a Transient Retail Business within the Township. (Ord. 12-5-96, 12/5/96, §2)

LESSOR - any person who or which leases by either an oral and/or written lease any real estate, room, apartment, store, shop, building, railway car, and/or other place or structure to a Transient Retail Merchant and/or any person engaged or intending to engage in a Transient Retail Business. (Ord. 12-5-96, 12/5/96, §2)

(Ord. 12-18-86, 12/18/1986, §2; as amended by Ord. 12-5-96, 12/5/96, §2)

§303. Registration and License Required. No person, including a Transient Retail Merchant, shall engage in a Transient Retail Business in the Township of Logan without first having obtained a license, as herein provided. (Ord. 12-18-86, 12/18/1986, §3; as amended by Ord. 12-5-96, 12/5/96, §2)

§304. License Requirements.

A. General Requirements. Every person desiring to engage in a Transient Retail Business as a Transient Retail Merchant in the Township of Logan shall first make application to the Township Coordinator for a license together with a license fee as established from time to time by the Township.

Said application shall be on a blank form provided by the Township Coordinator and shall contain at least the following information, verified by oath or affirmation.

(1) Full name of the applicant and local address, if any.

(2) Name of employer or a statement that such applicant is self-employed.

(3) Permanent address and telephone number.

(4) The nature of goods, wares, or merchandise offered or intended to be offered for sale.

(5) A statement as to whether or not the applicant has ever been convicted of any felony and/or misdemeanor and/or any crime of theft, theft by deception, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed.

(6) The type of vehicle to be used, if any, by the applicant.

If the applicant intends to sell any goods, wares or merchandise whatsoever door to door in the Township then the applicant shall submit to fingerprinting by the Logan Township Police Department and furnish a photograph of him or herself to said Police Department.

B. Lessor Requirements. It shall be the duty of every person, including a Lessor, who leases property of any type, by either an oral and/or written lease to any person, including a Transient Retail Merchant conducting or intending to conduct a Transient Retail Business on or at said property, to secure a license and/or licenses from the Township for each such person and/or Transient Retail Merchant. The person so leasing, including a Lessor, shall submit to the Township the information required in Subsection A of Section 304 hereof for each person, including a Transient Retail Merchant, conducting or intending to conduct a Transient Retail Business on or at said property, together with a license fee as established by the Township from time to time. Failure to comply with this Subsection B of Section 304 shall entitle the Township of Logan to prosecute either the Lessor or the person, including a Transient Retail Merchant, or both, for non-compliance.

C. Time of Application. All license fees and information required in Subsections A and B of Section 304 hereof shall be received by the Township as follows:

(1) As to any application for one license, a period of at least forty-eight (48) hours.

(2) As to any application for two or more licenses, a period of at least seven (7) days.

D. Renewal of License. Each person, including a Transient Retail Merchant who or which receives a license from the Township to conduct a Transient Retail Business shall be required to renew such license with the Township Coordinator on the first day of each successive month that the person, including a Transient Retail Merchant, intends to continue the operation of a Transient Retail Business and shall pay the monthly fee upon each such renewal of the license.

(Ord. 12-18-86, 12/18/1986, §4; as amended by Ord. 10-27-88, 10/27/1988; as amended by Ord. 12-5-96, 12/5/96, §2)

§305. Investigation Authorized. At the discretion of the Township no license may be issued

under this Part until a period of twenty-four (24) hours has elapsed form the time the application has been filed with the Township, in order to give the Township sufficient time to make any investigation deemed necessary by the Township Coordinator of Logan Township before issuing a license. The Township, during the twenty-four (24) hour period following the application, may investigate the applicant to determine whether it is against the interest of the Township to issue a license. (Ord. 12-5-96, 12/5/96, §2)

§306. Issuance of License Card. Upon the approval of license application and payment of fee as set forth in the preceding section, the Township Coordinator or other person designated by the Board of Supervisors of Logan Township shall issue a license card, containing the date of issuance and the date of expiration, as well as the name of the Transient Retail Merchant, the Transient Retail Merchant's address, the location where the Transient Retail Merchant intends to set up a Transient Retail Business, as follows:

(1) If the Transient Retail Merchant is an individual, one (1) card to the person making such application;

(2) If a partnership, firm, or corporation, one (1) card each to such employee upon submission by the Transient Retail Merchant of their names.

(Ord. 12-18-86, 12/18/1986, §5; as amended by Ord. 12-5-96, 12/5/96, §2)

§307. Non-Compliance. It shall be unlawful for any person including a Transient Retail Merchant to permit and/or to enter into or begin a Transient Retail Business within the limits of Logan Township without having complied with this Part and without having in his or her possession the license card as hereinbefore mentioned. (Ord. 12-18-86, 12/18/1986, §6; as amended by Ord. 12-5-96, 12/5/96, §2)

§308. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 ($100.00) Dollars and not more than One Thousand and no/100 ($1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 12-5-96; as amended by Ord. 9-19-96, 9/19/96, §1; and by Ord. 2-13-97, 2/13/97, §1)

Part 4

Coin Operated Devices

§401. General Scope. The subject matter of this Part is regulation, licensing and fines for the operation of machines operated for amusement by patrons who pay money to use said machines in the Township of Logan. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§402. Definitions. Unless otherwise herein expressly stated, the following terms shall have for the purpose of this Part 4 the meanings hereby respectively indicated:

JUKE BOX - any music vending machine contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated solely for the emission of song, music or similar audio entertainment.

MECHANICAL AMUSEMENT DEVICE - any video, electronic or mechanical device, machine or apparatus (except a "juke box") which, upon the insertion of a coin, slug, token, plate or disc, or upon payment of a tee may be operated by the public generally for use as a game, entertainment or amusement, the object of which is to secure a number, symbol, figure or groups thereof, arrangement, pattern or score, by the exercise of skill in the operation or manipulation of such device whether or not a prize is offered.

PERSON - any natural person, association, partnership, firm, organization or corporation.

The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§403. License Required. It is the purpose of this law that after the effective date of this Part, it shall be unlawful for any person., persons, corporations, companies, or firms to have, keep, lease or maintain for purposes of operation any of the aforementioned coin operated amusement machines without first having obtained the proper license from the Township Manager.

This license shall be posted at all times by affixing same in a conspicuous place so as to be easily seen and read by all parties who visit the premise wherein the machines are operated.

(Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§404. License Application. The application for the aforementioned license shall be filed in writing with the Township Manager on a form to be provided by the Township of Logan and shall specify:

1. name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses;

2. name and address of the owner of the machines or the business one who leases or distributes for the purpose of operation by another - if it be different from the applicant;

3. address of the premises where the licensed devices are to be operated, together with the general nature of the business carried on at such place;

4. trade name(s), serial numbers, names of the manufacturer, and the number of devices to be licensed along with the general description of the devices to be licensed; and

5. fee that is paid and the effective dates of the application, which shall be from whatever date the applicant starts the business of that year until December 31 of that year.

(Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§405. License Fee. No license shall be issued under this Part for any coin operated amusement devices until the annual fee shall have been paid to the Township Manager, or such other official designated by the Board of the Supervisors. This annual license fee, for each machine located on the premises, shall be as set by resolution of the Board of Supervisors . For purposes of yearly renewal, the fee shall be paid on or before February 15 of each year.

For devices which are installed after the 15th day of February of each calendar year, all fees shall be paid prior to the use of the device. No deduction or refund of any fees payable under this Part 4 shall be granted in the case of any fee payable for less than a full calendar year or in the case of any device being destroyed, stolen, sold or otherwise disposed of, or transferred out of the Township of Logan, after the payment of such fee.

This license shall not be transferable from one applicant to another. A new owner, proprietor, or operator shall be required to secure a new license and pay the license fees thereof. However, he shall not be required to secure a new, or different license when one machine is replaced by another as long as the total number of machines remains the same.

(Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§406. Receipt and License.

1. The Township Manager, or designated individual, shall issue a receipt to each person paying the license fee upon which the following information shall be printed or inserted:

A. The name of Logan Township.

B. The number of the tag or certificate.

C. The name and address of the person paying the license fee.

D. The year for which the license applies.

E. The serial number or other identification of each of the devices for which the license fee shall have been paid.

G. The amount of the license tee.

Whenever any fee shall have been paid under this Part 4, the Township Manager, or designated individual, shall prepare, in duplicate, a receipt as herein prescribed. The original of such receipt, to which the Township seal shall be affixed, shall be given to the person paying the license fee, and the duplicate shall be kept on file by the Township Manager, or designated individual.

2. The Township Manager, or designated individual, shall also procure and give to each approved applicant paying the license fee, a license to be prominently displayed by such person in a conspicuous place at the location of the premises upon which the device or devices are to be installed and used. Such license shall indicate the year for which such fee shall have been paid, the type and number of such devices.

3. In case of the loss, defacement or destruction of the original license, the person to whom such license was issued shall apply to the Township Manager, or designated individual, who may issue a duplicate license in replacement thereof, upon payment of a fee of one ($1.00) dollar.

(Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-21-88, 10/27/1988)

§407. Nondisclosure. All applications filed with the Township Manager, or designated individual, as required by this Part 4 shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law. Any disclosure of any information, contrary to the provisions of this section, shall constitute a violation of this Part 4. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§408. Action for Nonpayment. All fees, imposed by this Part 4 together with all penalties, interest and costs, shall be recoverable by the Township as debts of like amount are by law recoverable. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§409. Use of Revenues. All fees, interest and penalties collected or recovered by the Township Manager or designated individual or any other Township Officer or person for or on behalf of the Township, shall be paid into the Township Treasury as general revenue to be used for general revenue purposes. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§410. Expenses. All expenses incurred in the administration of this Part 4 shall be paid by the Township. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§411. Gambling Devices. Nothing in this Part 4 shall in any way be construed to authorize, license, or permit any gambling devices whatsoever, or any mechanism which has been determined by the Courts to be a gambling device or in any way contrary to existing or future laws of the Commonwealth of Pennsylvania. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§412. Inspections. The Township of Logan Police Department, Zoning Officer, or any other duly authorized official, shall make periodic inspections of all premises where machines of amusement and games of skill for amusement are operated for the purpose of enforcing this Part. (Ord. 12-30-82, 12/30/1982, as revised by Ord. 10-27-88, 10/27/1988)

§413. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 ($100.00) Dollars and not more than One Thousand and no/100 ($1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 12-30-82, 12/30/1982, §14; as revised by Ord. 10-27-88, 10/27/1988; and by Ord. 9-19-96, 9/19/96, §1; and by Ord. 2-13-97, 2/13/97, §1)

Part 5

Electrically Charged Fences

§501. Title. This Part 5 shall be known and may be cited as "The Regulation of Electrically Charged Fences Ordinance of Logan Township." (Ord. 3-31-88, 3/31/1988, §1)

§502. Definitions. The following words and phrases when used in this Part 5 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ELECTRICALLY CHARGED FENCE - Any vertical or horizontal, free standing barrier or enclosure which carries a charged current electrically or otherwise produced, capable of producing the slightest shock.

PERSON - Any association, firm, partnership, corporation or any other entity, as well as, a natural person male or female. The singular shall include the plural and the masculine shall include the feminine.

TOWNSHIP COORDINATOR - The person authorized and empowered by the Logan Township Board of Supervisors to issue permits in accordance with this Part 5.

(Ord. 3-31-88, 3/31/1988, §2)

§503. Prohibited Areas. No electrically charged fence shall be constructed or maintained in any residential district (those including an R designation) within the Township of Logan. Any electrically charged fence heretofore maintained in any of the said residential districts shall cease to carry any electrical charge whatsoever and shall be disassembled within thirty (30) days of the Effective Date. (April 5) (Ord. 3-31-88, 3/31/1988, §3)

§504. Electrically Charged Fences Within Agricultural, Business and Industrial Districts. It shall be unlawful for any person to construct or substantially replace or cause to be constructed or cause to be substantially replaced, any electrically charged fence in any agricultural, business or industrial district within the Township of Logan, unless;

1. The owner of such property complies with the specifications found under §505 herein; and

2. The owner of such property, or his duly authorized agent or contractor, shall have secured a permit from the Township Coordinator by presenting a written application for such permit to the Township Coordinator, in which application there shall be set out the legal description of the property, the name of the owner, the name of the agent or contractor, if any, and the plans and specifications of the electrically charged fence proposed to be constructed. Such electrically charged fence shall be constructed only on the property described in the application presented to the Township Coordinator. The Township Coordinator shall grant approval of said written applications on a case by case basis after giving due consideration to the health, safety and welfare of the residents of Logan Township and the public in general. The fee for said permit shall be as established by resolution of the Board of Supervisors. Thereafter, said permit shall be renewed annually at the established fee.

(Ord. 3-31-88, 3/31/1988, §4)

§505. Specifications for all Electrically Charged Fences. No electrically charged fence shall be constructed or maintained in any Agricultural, Business or Industrial District within the Township of Logan, unless such electrically charged fence complies with §504 above and complies with the following specifications:

1. Every electrically charged fence must receive its sole source of power from an UNDERWRITERS LABORATORIES, INC. (UL) approved pulsating electric fence current controller for electrically charged fences, such as those manufactured by Parker-McCrory MFG. Co., 2000 Forest Avenue, Kansas City, Missouri 64108.

2. Every electrically charged fence must be posted with a warning sign upon which shall be printed the following:

DANGER

ELECTRIC FENCE

Said warning signs shall be placed every 150 feet along the length of any electrically charged fence in such a manner as to be clearly visible from a distance of twenty (20) feet.

(Ord. 3-31-88, 3/31/1988, §5)

§506. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 ($100.00) Dollars and not more than One Thousand and no/100 ($1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 3-31-88, 3/31/1988, §6; as amended by Ord. 10-27-88, 10/27/1988; and by Ord. 9-19-96, 9/19/96, §1; and by Ord. 2-13-97, 2/13/97, §1)

Part 6

Regulation of Time, Manner and Place of Sexually Oriented Business Operations

§601. Purpose and Intent. It is the purpose of this Part 6 to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township as has been demonstrated by the study conducted by the City of Austin, Texas. The provisions of this Part 6 have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Part 6 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 effect of this Part 6 to condone or legitimize the distribution of obscene material.

(Ord. 9-16-99, 9/16/99, §2)

§602. Language Interpretations.

1. For the purposes of this chapter, certain terms and words used herein shall be interpreted or defined as follows:

A. Words used in the present tense shall include the future.

B. Words used in the singular shall include the plural. References to any gender shall, unless the context indicates otherwise, include all genders.

C. The word "person" includes a corporation, company, partnership and association as well as an individual.

D. The word "lot" includes the words parcel and plot.

E. The term "shall" is always mandatory.

F. The words "used or occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

G. The word "building" includes the word "structure".

2. The particular shall control the general.

(Ord. 9-16-99, 9/16/99, §2)

§603. Definitions. The words and phrases set forth below shall have the meanings respectively ascribed to them:

ADULT ARCADE means any place to which the public is permitted or invited wherein 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 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."

ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified

anatomical areas"; or

2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE 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 means a nightclub, bar, restaurant or similar commercial establishment, regardless of whether such establishment sells or offers alcohol for sale, which regularly features:

1. persons who appear in the state of nudity; or

2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3. 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 means a hotel, motel or similar commercial establishment which:

1. 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 which advertises the availability of this adult type of photographic reproductions; or

2. offers a sleeping room for rent for a time period that is less than ten hours; or

3. allows a tenant or occupant of a sleeping room to sublet for a period of time that is less than ten hours.

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

ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

AUDIENCE means one or more persons who are permitted to view a performance for consideration of any type in or from a public place.

CHILD-ORIENTED BUSINESS means a commercial establishment which, as one of its principal business purposes, serves and/or sells to children and/or their families food, apparel, goods, services, play and/or entertainment.

CONDUCT BUSINESS means any person who does any one or more of the following shall be deemed to be conducting business: A. Operates a cash register, cash drawer, or other depository on the adult business premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept; B. Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the adult business premises; C. Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the adult business premises; D. Acts as a door attendant to regulate the entry of customers or other persons into the business premises; E. Supervises or manages other persons in the performance of any of the foregoing activities on the business premises.

ENTERTAINMENT means any act or performance such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term “entertainment” shall also mean bartenders, waiters, waitresses or other employees exposing “specified anatomical areas” or engaging in “specified sexual activities” in the presence of customers.

ESCORT means a person who, for consideration, agrees or offers or advertises to act as a companion, guide, or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

ESTABLISHMENT includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of any existing business whether or not a sexually oriented business, to a sexually oriented business;

3. The addition of any sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

HOLIDAYS means nationally recognized holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

KNOWINGLY means having knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material or performance described herein which is reasonably susceptible of examination by a licensee or person. Knowingly also means that a reasonable person using reasonable skills and faculties would have known or been aware.

NUDE MODEL STUDIO means 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 or a STATE OF NUDITY means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

PERMITTEE and/or LICENSEE means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERSON means an individual, sole proprietorship, partnership, corporation, association, or other entity.

PERFORMANCE means 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.

SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

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

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

This term does not include the following types of commercial enterprises:

1. An enterprise in which massage therapy that does not involve "specified sexual activities" is provided by a physician, chiropractor, registered nurse, or other medical practitioner licensed or certified by the Commonwealth of Pennsylvania for such area of practice.

2. An enterprise in which massage therapy that does not involve "specified sexual activities" is provided by a professional massage therapist who is licensed or certified by a national massage therapist professional organization that has an explicit and enforced policy

statement which fully deals with the concerns raised by this Ordinance and furthers the purposes of this Ordinance.

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

SPECIFIED ANATOMICAL AREAS means the male genitals in a state of sexual arousal, the male buttocks and/or the vulva or more intimate parts of the female genitals, buttocks and female breasts.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, and female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor area exist on date of enactment of this Ordinance.

TRANSFER OR OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

1. The sale, lease, sublease and/or assignment of lease of the business;

2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3. The establishment of a trust, gift, or other similar device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 9-16-99, 9/16/99, §2)

§604. Classification. Sexually oriented businesses are classified as follows:

1. adult arcades;
2. adult bookstores or adult video stores;
3. adult cabarets;
4. adult motels;

5. adult motion picture theaters;
6. adult theaters;
7. escort agencies;
8. nude model studios; and
9. sexual encounter centers.

(Ord. 9-16-99, 9/16/99, §2)

§605. Permit Required.

1. Any person who operates a sexually oriented business without a valid permit issued by the Township is guilty of a violation of this Part 6.

2. An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. The application shall be filed in triplicate with and dated by the Zoning Officer.

3. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with all applicable federal, state and local laws by the Zoning Officer.

4. If a person who wishes to operate a sexually oriented business is an individual, said person must sign the application for the permit as an applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for the permit as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest in ten (10%) percent or greater of the corporation must sign the application for a permit as an applicant.

5. The fact that a person possesses other types of Township permits to operate a business within the Township does not exempt the person from the requirement of obtaining a sexually oriented business permit.

(Ord. 9-16-99, 9/16/99, §2)

§606. Issuance of the Permit.

1. The Zoning Officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of a completed application unless said officer finds one or more of the following to be true:

A. An applicant is under eighteen (18) years of age.

B. An applicant or an applicant's spouse and/or agent is overdue in such person's payment to the Township of taxes, fees, fines or penalties assessed against such person or imposed upon such person in relation to a sexually oriented business.

C. An applicant has failed to provide information reasonably necessary for issuance of a permit or has falsely answered a question or request for information on the application form.

D. An applicant is residing with a person who has been denied a permit by the Township to operate a sexually oriented business within the preceding twelve (12) months, or resides with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

E. The premises to be used for a sexually oriented business has been reviewed and has been disapproved by the Township as not being in compliance with applicable laws and ordinances.

F. The permit fee required by this Part 6 has not been paid.

G. An applicant of the proposed establishment is in violation of or is not in compliance with a provision of this Part 6.

H. An individual applicant, individual holding a direct interest or more than ten (10%) percent in a corporate applicant, officer or director of a corporate applicant, partner or limited partner if the applicant is a partnership, or manager or other person in charge of the operation of the applicant's business has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity, rape, statutory rape, and possession of child pornography, or convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or persons' conviction in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

3. The Zoning Officer shall complete the certification that the premises are in compliance or not in compliance within thirty (30) days of receipt of the completed application by the Township.

(Ord. 9-16-99, 9/16/99, §2)

§607. Fees. The permit fee for a sexually oriented business shall be determined by the Logan Township Board of Supervisors from time to time. The fee must be reasonably related to recoup the expenses from the application process. The Logan Township Board of Supervisors shall also determine an annual fee for renewal of the permit.

(Ord. 9-16-99, 9/16/99, §2)

§608. Inspection.

1. An applicant, or permittee, shall permit the Police Department and/or the Zoning Officer to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.

2. A person who operates a sexually oriented business, or said person's agent or employee, violates this Part 6 if said person refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(Ord. 9-16-99, 9/16/99, §2)

§609. Expiration of the Permit.

1. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 605. Application for renewal should be made at least thirty (30) days before the expiration date and, when made fewer than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

2. If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one (1) year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

(Ord. 9-16-99, 9/16/99, §2)

§610. Suspension of Permit. The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if said officer determines that a permittee or an employee of a permittee has:

1. Violated or is not in compliance with any section of this Part 6;

2. Refused to allow an inspection of the sexually oriented business premises as authorized by this Part 6.

3. Engaged in excessive use of alcoholic beverages while on sexually oriented business premises;

4. Knowingly permitted gambling by any person on sexually oriented business premises;

5. Demonstrated an inability to manage or operate a sexually oriented business in a peaceful or lawful manner thus necessitating action by law enforcement officers.

(Ord. 9-16-99, 9/16/99, §2)

§611. Revocation of Permit.

1. The Zoning Officer shall revoke a permit if any cause of suspension set forth in Section 610 occurs and the permit has been suspended within the preceding twelve (12) months.

2. The Zoning Officer shall revoke a permit if said officer determines that:

A. A permittee, or any of the persons specified in Section 606(1)(H), is or has been convicted of the offenses specified in Section 606(1)(H);

B. A permittee gave false or misleading information in the material submitted to the Township during the application process;

C. A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;

D. A permittee or an employee of a permittee has knowingly allowed prostitution on the premises;

E. A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

F. A permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the permitted premises;

G. A permittee is delinquent in payment of the Township, Commonwealth and/or Federal taxes or fees relating to the involved sexually oriented businesses.

3. A transfer of the permit involved and/or any interest in said permit shall automatically and immediately revoke the permit.

4. When a Zoning Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective. If subsequent to the revocation, the Zoning Officer finds that the basis for the

revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective. If the revocation is pursuant to 2(A) above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.

5. After denial of an application, denial of renewal of a permit, or suspension or revocation of a permit, the Zoning Officer shall send to the applicant or permittee, by certified mail, return receipt requested, written notice of his action. The written notice shall contain the specific reasons for denial of the permit or for the suspension or revocation of the permit. The applicant or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.

(Ord. 9-16-99, 9/16/99, §2)

§612. Transfer of Permit/Site of Operation. A permittee shall not transfer said permittee’s permit to any other person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place and/or site other than the address designated in the application and approved by the Township.

(Ord. 9-16-99, 9/16/99, §2)

§613. Display of a Permit. The permit shall be displayed in a conspicuous, public place in the sexually oriented business.

(Ord. 9-16-99, 9/16/99, §2)

§614. Location of Sexually Oriented Businesses.

1. A person is guilty of a violation of Logan Township's Zoning Ordinance (Chapter 27) and this Part 6 if said person operates or causes to be operated a sexually oriented business outside of the zoning district in which a sexually oriented business is allowed by that Ordinance.

2. A person is guilty of a violation of Logan Township's Zoning Ordinance (Chapter 27) and this Part 6 if said person operates or causes to be operated a sexually oriented business within 1,000 feet of:

A. a church;

B. a public or private pre-elementary, elementary or secondary school;

C. a public library;

D. a child care facility or nursery school;

E. a public park adjacent to any residential district;

F. a child-oriented business;

G. the boundary of any residential district as defined by the zoning ordinance.

3. A person is guilty of a violation of Logan Township's Zoning Ordinance (Chapter 27) and this Part 6 if such person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

4. A person is guilty of a violation of this Part 6 if such person causes or permits: the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof or; the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

5. For the purposes of this Part 6 and Logan Township's Zoning Ordinance (Chapter 27), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, or nursery school, the nearest boundary of an affected public park; or to the nearest boundary of any residential district. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

6. For purposes of Subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

7. A sexually oriented business that was lawfully operating on the date of the enactment of this Part 6 or the relevant amendments to the Logan Township Zoning Ordinance (Chapter 27) (whichever applies) that is in violation of subsections 1, 2, 3, or 4 of this section shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, nursery school, public park or residential district within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(Ord. 9-16-99, 9/16/99, §2)

§615. Hours of Operation. Operating hours of sexually oriented businesses which apply for an initial permit and/or any renewal permit after passage of this Part shall be between the hours of 10:00 a.m. to 10:00 p.m., Mondays through Saturdays, and closure of such businesses on Sundays and holidays. This section is intended to reduce the adverse secondary effects of such businesses including particularly, but not limited to, late night noise levels, crime, sexually offensive materials and activities in public areas, and promotes the public health, safety and welfare.

(Ord. 9-16-99, 9/16/99, §2)

§616. Exemptions. It is a defense to prosecution under Section 605 and Section 613 that a person appearing in a state of nudity did so in a modeling class operated:

1. by a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college, or university supported entirely or partly by taxation;

2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. in a structure --

A. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

B. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(Ord. 9-16-99, 9/16/99, §2)

§617. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Part 6 is subject to an action in equity or a suit for injunction as well as citations for violations of this Part 6.

(Ord. 9-16-99, 9/16/99, §2)

§618. Penalty. In addition to any other remedies and/or penalties provided in this Part 6, any person found guilty before a District Justice of violating any provision of this Part 6 shall be sentenced to pay a fine of not less than $500.00 and not more than $1,000.00 plus cost and in default of payment undergo imprisonment for a period not to exceed thirty (30) days. Each day a violation of this Part continues shall be deemed a separate and distinct violation.

(Ord. 9-16-99, 9/16/99, §2)