

ORDINANCE OF THE TOWNSHIP OF WINFIELD, BUTLER COUNTY, PENNSYLVANIA, PROHIBITING AS PUBLIC NUISANCES, THE USE OF ANY BUILDING OR PART OF A BUILDING FOR THE PURPOSES OF FORNICATION, LEWDNESS, ASSIGNATION, PROSTITUTION AND PROVIDING PROCEDURES TO ABATE THE SAME (AND PENALTIES FOR VIOLATIONS THEREOF).

WHEREAS, in the opinion of the Supervisors of Winfield Township, it is necessary, in order to protect and promote the health, safety and welfare of citizens and residents of the Township of Winfield to prohibit certain activities and conditions as public nuisances, including the use of any building or part of a building for the purpose of fornication, lewdness, assignation and/or prostitution and to provide procedures to abate the same (and penalties for violations thereof); and

WHEREAS, the Supervisors of Winfield Township, Butler County, Pennsylvania, pursuant to the Second Class Township Code, Act of May 1, 1933, P.D. 103, art VII, subsection 702, cl. XII, as amended, and cl. XXIX, added July 10, 1947, P.L. 1481, subsection 9, are authorized to regulate public health and welfare and prohibit nuisances; and

WHEREAS, the Commonwealth of Pennsylvania by act of June 23, 1931, P.L. 1178, No. 319, subsection 1, has declared any building or part of a building used for the purpose of fornication, lewdness, assignation, and or prostitution to be a common nuisance and further provides for criminal sanctions for the maintenance of such common nuisance.

NOW, THEREFORE, the Township of Winfield hereby ordains and enacts as follows:

SECTION I

Any building, or part of a building, used openly for fornication, lewdness, assignation and/or prostitution which constitutes a nuisance in fact is hereby declared unlawful.

SECTION II

Any building, or parts of buildings, which are found in violation Section I hereof are hereby declared to be public nuisances and may be abated as follows:

SECTION III

Any person, individual, partnership, firm, association, corporation or other legal entity who violates any provision of this Ordinance shall be deemed guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of \$1,000.00 and costs thereof and upon default of payment of fine or costs, to undergo imprisonment of not more than thirty (30) days. Such conviction, fine and costs, however, shall not preclude the Township from abatement of the nuisance on either public or private grounds after notice, and in default thereof to collect the costs of such removal and/or abatement.

SECTION IV

SEVERABILITY

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

SECTION V

REPEALER

Any Ordinance or part of any Ordinance which conflicts with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION VI

EFFECTIVE DATE

This Ordinance shall be effective five (5) days from adoption by the Board of Supervisors of Winfield Township.

ENACTED, ADOPTED AND ORDAINED this 23rd day of November, 1988.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WINFIELD

BY Walter W. McPherson

BY Joseph A. Schmeider

BY Michael P. G. Grubbs

ATTEST:

Morgan McCreckin
Secretary