

SEXUALLY ORIENTED BUSINESSES –
WHAT IT WILL MEAN TO YOUR COMMUNITY
AND STEPS YOU CAN TAKE TO PREVENT IT FROM HAPPENING

THE PROBLEM:

- **Types of sexually oriented businesses** include adult arcades, adult bookstores, adult video stores, adult cabarets, adult motels, adult motion picture theatres, escort agencies, nude model studios, sexual encounter centers, and so-called ‘gentlemen’s’ clubs.
- **The United States Supreme Court** has interpreted the First Amendment of the Constitution as protecting, as free speech, the sale, lease, or rental of sexually oriented materials or services that may be ‘indecent’ but are not ‘obscene’ in relation to existing community standards. Obscenity is illegal
- **The U.S. Supreme Court** does, however, acknowledge that businesses that offer sexual materials and services create certain types of unwanted side effects that are not related to speech- “adverse secondary effects.”
- **“Adverse Secondary effects”** include unlawful sexual activities, sexually transmitted diseases, a harmful effect on surrounding businesses, declining property values in surrounding residential neighborhoods, increased crime and blight and a general downgrading of the quality of life.
- **Consider:**
 - Los Angeles found that crime greatly increased in areas with sexually oriented businesses – crime with pandering up 340%, murder 42.3%, aggravated assault 45.2%, robbery 52.6% and purse snatching 17%.
 - Adult bookstores built near residential areas depreciate the value of homes in that area by up to 20%.
 - ** **Real Estate Professionals survey:**
 - # 87.7% of respondents felt sexually oriented businesses would decrease market value
 - # 72.8% felt that the concentration of sexually oriented businesses would decrease the annual income of nearby businesses
 - # Over 90% felt that the concentration of sexually oriented businesses decrease the market value of private homes located within 1000 feet

THE SOLUTION: The best solution is to pass zoning and/or licensing ordinances **prior** to the opening of a sexually oriented business in your area. But there is still hope if one is already open in your community!

- **The U.S. Supreme Court** upheld the Erie Ordinance which allows municipalities to ban sexually oriented businesses. **HOWEVER**, the PA Supreme Court overturned this decision and said Pennsylvania cities, boroughs and townships **CANNOT** ban them but simply regulate them.
- **The Passage of a Zoning Ordinance** – would restrict sexually oriented businesses to a certain area of the municipality – usually an industrial area. If a sexually oriented business already exists in your area, this would NOT affect them because they would be grandfathered in.
- **The Passage of a Licensing Ordinance** – requires an annually renewable license to operate (part of the process is for all employees to get police background checks), hours of operation would be restricted – usually from 8:00 a.m. till 10:00 p.m.-- and the business could not be open on Sundays or legal holidays. If a sexually oriented business already exists in your area, this WOULD affect them. They must comply with the restrictions in the ordinance!
- **The American Family Association of Pennsylvania can provide copies of model ordinances.**

If you have any questions, you can contact the American Family Association of Pennsylvania at P.O. Box 1048, Franklin, PA 16323. Website – <http://www.afaofpa.org> Phone: 814.437.5355 or 814.271.9078 (cell). Fax: 814.437.5432