

LEGAL NOTICE

ORDINANCE OF DALLAS BOROUGH
LUZERNE COUNTY, PENNSYLVANIA

No. 1988 - 3

AN ORDINANCE DECLARING THE COMMERCIAL EXPLOITATION OF OBSCENE MOTION PICTURE FILMS, PUBLICATIONS, DEVICES, ARTICLES OR INSTRUMENTS, AND THE USE OF MESSAGE PARLORS AND MODEL STUDIOS FOR THE PURPOSES OF LEWDNESS, ASSIGNATION OR PROSTITUTION AND BEING HARMFUL TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; REGULATING CERTAIN ASPECTS OF THE CONDUCT OF AND PERSONS, PARTNERSHIPS AND CORPORATIONS IN THE BOROUGH; THEREBY PREVENTING VICE AND IMMORALITY, PROMOTING PUBLIC PEACE, SAFETY AND MORALS; PROTECTING PRIVATE AND PUBLIC PROPERTY; PROTECTING THE SOCIAL INTEREST IN ORDER AND MORALITY; PROHIBITING PERSONS FROM SELLING, LENDING, DISTRIBUTING, EXHIBITING ANY OBSCENE MOTION PICTURE FILM, PUBLICATION, DEVICES OR ARTICLES AND INSTRUMENTS, OR ASSISTING IN THE SALE LENDING, DISTRIBUTING OR EXHIBITING ANY SUCH MOTION PICTURE FILM, PUBLICATION, OR DEVICE; ARTICLES OR INSTRUMENTS; PROHIBITING CERTAIN CONDUCT AND AFFECTING MINORS; PROHIBITING ADVERTISEMENT OF OBSCENE OR PORNOGRAPHIC MATERIAL; PROHIBITING MESSAGE PARLORS OR MODEL STUDIOS USED FOR THE PURPOSE OF LEWDNESS, ASSIGNATION OR PROSTITUTION; AND DESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 1. LEGISLATIVE FINDING AND PURPOSE.
The Board of Supervisors of the Borough of Dallas finds that the gross commercial exploitation of explicit sexual conduct through the public exhibition of obscene films and the sale of obscene publications and devices, and the use of so-called message parlors and model studios for the purpose of lewdness, assignation or prostitution, constitutes a debasement and distortion of a sensitive key relationship of human existence, central to family life, community welfare and the development of human personality; is indecent and offensive to the senses and to public morals and interferes with the comfortable enjoyment of life and property; in that such interference with the interest of the public in the quality of life and total community environment, the tone of commerce in the Borough property values, and the public safety; and that the continued operation of such activities is detrimental to the best health, safety, convenience, good morals and general welfare of the Borough of Dallas, and of the residents, citizens and businesses thereof. Accordingly, the Borough of Dallas hereby declares such activities to be illegal as hereinafter set forth, and further, that such activities are, and are hereby declared to be and constitute a public nuisance, and herein establishes penalties for such activities.

SECTION 2.
Any person who, with knowledge of the character and content, either sells, gives away, lends, distributes, exhibits, shows, transmits, or offers either to sell, give away, lend, distribute, exhibit, show or transmit to another, any obscene motion picture film or any obscene literature, book, magazine, pamphlet, newspaper, story book, paper, comic book, writing, drawing, photograph, figure, image, or any written or printed matter of an obscene nature or any device, article or instrument of an obscene nature, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 3.
Any person who designs, copies, draws, photographs, prints, utters, publishes or in any matter manufactures or prepares any obscene motion picture film, or any obscene book, picture, film, drawing, magazine, pamphlet, newspaper, story book, paper, comic book, writing, figure, image matter, device, article or instrument of an obscene nature, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 4.
Any person who, with knowledge of the character and content, produces, presents or directs any obscene performance or participates in the portion thereof which is obscene shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 5.
Any person who knowingly participates in, supports or in any way aids or assists any person in selling, lending, distributing, giving away, or showing any obscene motion picture film, or any obscene literature, book, magazine, pamphlet, newspaper, story book, paper, comic book, writing, drawing, photograph, figure, image, or any written or printed matter of an obscene nature, shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 6. None.
SECTION 7.
Whoever knowingly writes, prints, publishes or utters, or causes to be printed, published or uttered, any advertisement or notice of any kind giving information directly or indirectly, stating or purporting to state where, how or whom or by what means, any obscene motion picture film, picture, book, writing, paper, comic book, figure, image, matter, article or thing of an obscene nature can be seen, purchased, obtained or had, shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 8.
No person within the Borough of Dallas, shall willfully or knowingly engage in the business of selling, lending, giving away, showing, advertising for sale or distributing to any person under the age of seventeen (17) years, or have in his possession with intent to engage in the said business or to otherwise offer for sale or commercial distribution to any individual under the age of seventeen (17) years, any obscene motion picture film or any still picture or photograph of an obscene nature, book, pamphlet or magazine, the cover or content of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke lust or perversion for commercial gain, or any device, article or instrument of an obscene nature.

SECTION 9.
No person within the Borough of Dallas shall display at newsstands or any other business establishment frequented by minors of the age of seventeen (17) years or who said minors or minors may be invited as a part of the general public, any obscene motion picture film or any still picture or photograph of any book, pocket book, pamphlet or magazine, the cover or content of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke lust or perversion for commercial gain, or any device, article or instrument of an obscene nature.

SECTION 10. DEFINITIONS.
A. "Obscene" as used in this Ordinance (Resolution) means that which is determined as obscene, applying the following guidelines:
1. Whether the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest.
2. Whether the subject matter depicts or describes in a patently offensive way sexual conduct of a type hereinafter described; and
3. Whether the subject matter taken as a whole lacks serious literary, artistic, political or scientific value.
B. "Patently offensive" means so offensive on its face as to affront current standards of decency, and shall be deemed to include any of the following described forms of sexual conduct, if depicted or described in a patently offensive way:
1. An act of sexual intercourse, normal or perverted, actual or simulated, real or animated, including genital-genital, anal-genital or oral-genital intercourse, whether between human beings or between a human being and an animal.
2. Sadomasochistic abuse meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
3. Masturbation, excretory functions, and lewd exhibition of the genitals, including any explicit close up representation of a human genital organ or spread-exposure of female genital organs.
4. Physical contact or simulated physical contact with the clothed or public area or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals in an act of apparent sexual stimulation or gratification.
5. A device designed and marketed as useful primarily for stimulation of the human genital organs.
6. Male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state.
7. Fellation, cummingus, anal sodomy, seminal ejaculation, or any other excretory function.
C. "Community standards", means the standards of the community from which the jury is drawn or would be drawn if it were the trier of the fact.
D. "Illicit sex" or "Sexual immorality" shall mean:
1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, public region, buttocks, or female breast.
E. "Nude or partially denuded figures" shall mean:
1. Less than completely and opaquely covered: (a) human genitals; (b) public regions; (c) buttock; and (d) female breast below a point if immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
F. "Person" shall mean a natural person, partnership or corporation. Whenever used in a clause describing or imposing a fine or term of imprisonment, or both, the term "Person" as applied to partnership shall mean the partners or members thereof, and as applied to corporation, shall mean the officers thereof.
G. "Knowingly" shall mean having knowledge of the character and content of the material involved or failure on notice to exercise reasonable inspection which would disclose the content and character of the same.

SECTION 11.
No person shall own, operate or maintain any message parlor or model studio, which, as a regular course of business, is used for the purpose of lewdness, assignation or prostitution, and every such message parlor or model studio in or upon which acts of lewdness, assignation or prostitution are held or occur, is declared to be a public nuisance. Any such person violating this Section shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars, or undergo imprisonment for a period not exceeding 90 days, or both.

SECTION 12.
"Massage" as used in this section, shall mean any method of treating the superficial soft parts of the human body for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand, or by the use of any instrument.
"Message Parlor", shall mean any building or structure or portion thereof, located within the Borough of Dallas which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.
"Model Studio" means:
(1) Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, or other consideration or compensation or a gratuity, for the right or opportunity to so depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the premises; or
(2) Any premises where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn sculptured, photographed or otherwise similarly depicted.
(3) Exception, the words "Model studio" do not include:
(a) Any studio which is operated by any college or junior college, public school, or any governmental agency wherein the professional association, partnership, or corporation operating it has met the requirements of the State of Pennsylvania for the issuance or conferring of and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or
(b) Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection (a).
(c) Any studio operated by a tax exempt, non-profit corporation devoted to the development of art and its appreciation.

The provisions of this Ordinance shall be severable. 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 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 to minimum number of words, phrases, clauses, sentences or paragraphs as will be absolutely necessary to render the remainder constitutional. In so doing, shall a subordinate clause or phrase or word render its attached main clause or provision unconstitutional, but instead shall be severed therefrom entirely, unless such severance renders the remainder wholly meaningless or unconstitutional.

SECTION 13.
The Ordinance shall become effective immediately, and shall apply to existing establishments which are presently engaged in the type of activity herein declared to be illegal and a public nuisance.

ENACTED AND ORDAINED THIS 19th DAY OF JANUARY, 1988.

ATTEST:
BOROUGH OF DALLAS
BY S-DONALD SHAFFER

President of Council ROBERT BROWN
Secretary
(SEAL)
APPROVED THIS DAY OF JANUARY 1988
Paul Labar
Mayor
3-1-P

Back Mountain on the move

By JEAN HILLARD
Back Mt. Correspondent

JOHN BERGEVIN, Joseph St. Dallas, was the guest of honor at his 50th birthday celebration on Sunday evening. The Big One was held at the Elks Lodge 109 in Wilkes-Barre and family and friends all enjoyed a most memorable 50th birthday party.

John's five daughters, Michelle, Jacquie, Colleen, Sue and Larisa and their spouses along with four grandchildren, Johnny, Timmy, Jessica and Britney and of course his lovely wife Arlene, were all on hand to wish him 50 more healthy, happy years. Happy Birthday John, it was an occasion everyone enjoyed.

HUGH WOODWARD, Demunds Road, Dallas, was elected President of the Luzerne County Fall Fair Board of Directors at last Thursday's meeting. Hugh served as vice president during the 87-88 year and is a member of the Dallas Rotary Club which he represents on the board. Jon Pomrinke was elected vice president; Donna Cupinski, secretary; Marge Moyer, treasurer; and Dana Campbell will serve as the 1988 Fall Fair Chairman.

Please support Hugh and Dana as they begin one of the biggest projects in the Back Mountain. Volunteers are needed and necessary to make the fair continue to be successful.

BETH FINN, daughter of Jim and Flossie Finn, Dallas, served as the Luzerne County Fall Fair Queen this year. Our fair entered her in the Pennsylvania State Fair Queen Contest and Beth placed as first runner up winning out over 19 other entries. Beth, along with the State Fair Queen, was presented a crown which she will wear proudly at fairs across the state of Pennsylvania this year when she makes appearances.

Once again our Back Mountain takes honors with our students and we are represented statewide. Congratulations Beth! We are proud of your accomplishment.

SUE YALE, Orange, spent 3 months in London visiting her boyfriend Michael Daley, formerly of Powderhorn Drive, Dallas.

Michael, who many of us remember as graduating from College Misericordia with highest honors and continuing his studies in London is still making honors with his graduate work in London. He will finish in London in September and is considering going to France to continue his studies.

While Sue was in London, she and Mike traveled to Holland and Scotland for the holidays. They enjoyed many places of interest and the beauty of the season.

Free dental screenings get popular

Suddenly there are free dental screenings in shopping malls, lectures and demonstrations on proper dental care abound and posters shouting "A Healthy Smile Show Your Style!" are covering every dental office wall, school bulletin board and hospital corridor. Smile Pennsylvania! It's National Children's Dental Health Month. During the entire month of February, the Pennsylvania Dental Association and the state's local dental societies will be participating in this national event sponsored by the American Dental Association, spreading the message: Your family dentist gives the gift of health.

Traditionally, the PDA has sponsored two NCDHM contests for elementary students: a poster contest for children in the sixth grade, and an essay contest for fourth grade students. This year the PDA is pleased to announce the Beecham Products makers of Aqua-Fresh and Aqua-Fresh for Kids toothpaste will be co-sponsoring the contests with the dental association.

This is the first time a Pennsylvania based corporation has helped sponsor NCDHM activities with the PDA.

All awards will be presented during the PDA's 1988 Annual Session at the Pocono Hershey Resort in White Haven, Pennsylvania, May 15 thru May 18, 1988.

Since it began 39 years ago, NCDHM has developed into the dental profession's most significant organized effort to move dental health education out of the dental office and into the community.

In Pennsylvania, NCDHM will be marked by a number of dental education programs geared toward children and adults. The PDA has arranged for billboards to appear across the state featuring a toothbrush wrapped in a bow and the message "Parents, give your children the gift of health." Radio stations in Pennsylvania will be receiving public service announcements featuring children from the Harrisburg area delivering messages about dental health.

The local dental societies will be busy displaying exhibits throughout schools and shopping centers while dentists' offices in Pennsylvania will be distributing dental products and speaking to elementary school students about oral health.

Other dental organizations celebrating NCDHM are the Pennsylvania Dental Assistants Association, the Auxiliary to the Pennsylvania Dental Association, and the PA Dental Hygienists' Association.

JOSEPH McDANIELS, Sweet Valley, just returned from a two week vacation on the Island of Guadalupe. Joe flew to Florida then took a cruise to the island where he enjoyed total rest and relaxation in the sun on the beautiful beaches of Guadalupe.

Shopping and swimming were a daily routine while a highlight of the trip was a windjammer cruise for a day. On a windjammer cruise everyone gets to take part in the happenings on the ship, acually helping the captain with his duties.

Welcome back to reality Joe, fun's over.

KEN CALKINS of Pikes Creek is well on his way to recovery after having a couple of months of serious health problems. He had surgery in Philadelphia, spent several weeks in and out of the hospitals, locally and in Philadelphia but is doing much better now and gaining strength every day. A get well wish to you Ken from all your friends and colleagues at Air Products and the Back Mountain.

THE DALLAS GRIDIRON 50's hop was held Friday evening at Irem Temple, Dallas. Over 200 people attended some arriving in 50's autos and several dressed in the felt skirts with poodles and pony tails. A very successful event thanks to Bill and Lorraine Lesjak who chaired the evening.

Marty Moore is president of the Gridiron Club. Greasy hair and black leather jackets, wow, memories start coming back. Good memories.

CONGRATULATIONS to Bob and Diane (Wojtowicz) Supey on the birth of their daughter Amanda. The Supeys hope to be moving into the new home they are building in Jackson Township at the end of February. Amanda's grandparents are Marge and Mitch Wojtowicz of Follies Road, Jackson Township.

HAPPY BIRTHDAY to Katie Delaney who is four years old. Katie lives in Dallas with her parents, Cathy and P.J. and goes to Apple Tree Nursery School. Katie celebrated on Sunday at a party with her family and friends.

WINTER RUSILOSKI celebrated her birthday on January 20. Winter lives in Shavertown with her parents, Pat and Stan, and is in the third grade at Lake-Lehman Elementary School.



Helping the less fortunate

Members of the Fourth and Fifth Grade Church School class of the Dallas United Methodist Church coordinated a congregation-wide winter clothing drive for residents of the Emergency Shelter-Host Church ministry of VISION! recently. Present during the presentation ceremonies were, from of left, front row, Jaime Slocum, Beth Ann Wagner, Kerri Brown, Jamie Bottoms, Ben Brown, Daniel Podehl, and Director of Administrative Services, Vince Kabacinski; second row, Neil Seidel, teacher of the class, Laura Seidel, and President of the Board of Directors of VISION!, the Rev. Ken Carder.

Class members participating in the project and absent for the photo are Lisa Lynch, Ray Miller, John Krupa.

Items collected were scarves, mittens, hats, socks and sweaters and now will be distributed to the homeless of the area during the nights of shelter activities at the 15 churches and oen college which provide facilities on a nightly basis in the Wyoming Valley area.

Library news

By NANCY KOZEMCHAK
Library Correspondent

The Friends of the Library campaign for the Back Mountain Memorial Library came to a close on December 31, 1987. The Friends campaign was included in our annual operating budget as an income item of \$3,500.00. When the money was all in and the figures were totaled up, we were pleased to see that the hotel had reached \$4,162.00. This is tremendous support from the library's supporters and contributed greatly to the financial picture for 1987. As most of us know, friends are one of the greatest assets in our world.

The 1988 Friends campaign is about to get underway with Library Board member, Dorothea McCutcheon as general chairman. The budgeted amount for 1988 is set at \$4,000.00.

An advance notice for the 1988 Library Auction. The 42nd annual auction is scheduled for Wednesday through Sunday, July 6 to the 10th. Dr. John Shaskas will be general chairman with Dr. Durrelle Scott as co-chairman. Other committee chairmen already signed up include: Refreshments, Lee and Terry Eckert; Antiques, Ernest Ashbridge; Finance, George Maculloch; Candy and Baked Goods, Carol Ericson; Children's activities, Kathy Kostezevski; Raffle, Connie Scott; and Publicity, Nancy Kozemchak. Dr. Shaskas is looking for a Grounds chairman and a

New Goods chairman and would welcome volunteers. The auction committee will begin meeting on a monthly basis at the library on the last Tuesday of each month. Anyone interested in working on the auction is invited to attend these meetings.

The library will be selling auction tee shirts and sweat shirts featuring the auction logo from now until auction time. Yellow tee shirts at \$7.00 each, crew sweat shirts in navy blue at \$15.00 and hooded sweat shirts in navy at \$20.00.

Charles Waite, our computer donator, was visiting in the Back Mountain last week and was able to spend some time at the library. He set up some new programs on the floppy discs and did some of his own work on the computer. Chuck owns and operates a small business, "The Swedish Interface Shoppe" in Stockholm, Sweden. One of the exciting programs he left with us this time is Computer Chess, a way to play chess with the computer. He gave me a very brief lesson on it and I must find time to get back with it soon before I forget what he explained to me. Chuck has now returned to Sweden; but, before he left, he was able to meet with Becky, one of the students he had in a computer class here at the library last time he was here, and they exchanged some ideas. The computer-word processor is available for library patrons to use at no cost whenever the library is open.

LOST & FOUND

GUCCI SHOULDER BAG navy blue ws \$150 asking \$75; Gucci wallet was \$75 asking \$25; Aigner wallet, signature color \$10; stuffed animals, brand new \$.50-\$.65. 675-6573. 3-4-P

LOST Bassett Hound, 3 yrs. old, Monday Jan. 4, 7 p.m. in Broadway area, wearing black nylon collar. Black & Brown mixed, answers to Baron. Reward for his whereabouts. Not neutered. 256-3356. 1-4-P

LOST black tool box between vicinity of Grslauer Auto Repair on Rt. 118 & Jamison City. Call 925-6202. 1-4-P

FREE

FREE Horse manure, Upper Demunds Rd., Dallas. Call after 4 p.m. or on weekends. 675-4182. 37-tfn-P

MOTORCYCLES

1983 YAMAHA black, 50cc, special. Make an offer. Call 675-3713. 18-tfn-P

MOTORCYCLES

FULL FACE MOTORCYCLE helmet, made by Bell, black, \$80. sz. 7 1/2 exc. cond. 696-4907. 3-4-P

REAL ESTATE

GOVERNMENT HOMES for \$1.00 (U Repair) BUY DIRECT! Reposs & Tax SEIZED Properties. Call TODAY for FACTS! 1-518-459-3546 Ext. H6112 (Toll-Refundable) 24 HRS. 2-3-P

WANTED: FARM HOUSE Professional couple looking to buy farm house with outbuildings & acreage. Call collect. 1-655-8906. 2-9-P

HELP WANTED

SNACK BAR WORKERS needed for part time work. Mon. through Fri. \$3.75 per hour to start. Call 822-6181 for interview Mon. thru. Fri. before 5 p.m. 3-1-P

HELP WANTED

NURSES AIDES Looking for extra work? Now is the time to be independent. Call Silver Care today about our openings. Nurses aide needed in Sweet Valley area for private use. Call 654-2605. Mon. to Fri. 9 to 5 p.m. 3-1-P

QUALITY CONTROL TECHNICIAN to inspect & test aggregates used in highway construction. Record keeping, clerical, truck scheduling & operation of computerized truck scale duties included. Strong math & computer background needed. Previous experience in aggregates lab is desirable. Submit resume to: Personnel Manager, American Asphalt Paving Co., 500 Chase Rd., Shavertown, PA 18708 EOE-MF. 3-1-P

Use Post classifieds to sell unwanted items fast