

**BOROUGH OF DERRY
ORDINANCE NO. 809**

AN ORDINANCE OF THE BOROUGH OF DERRY, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING DERRY BOROUGH CODE, CHAPTER 291, §291-2

WHEREAS, The Supreme Court of the United States of America in 1973 clarified the legal definition of obscenity and established a three-prong test to determine legal obscenity; and

WHEREAS, The Commonwealth of Pennsylvania Title 18 P.S. §5903(b) – Definitions contains the definition of “sexual conduct”; and

WHEREAS, the Council of Derry Borough, as recommended by its Planning Commission, recommends that Derry Borough Code, Chapter 291-2 be updated to provide the same definition as listed in Title 18 P.S. §5903 (b) – Definitions.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Derry and it is hereby ordained and enacted as follows:

SECTION 1

The definition of Sexual Conduct as outlined in Derry Borough Code, Chapter 291, §291-2, “SEXUAL CONDUCT” is hereby repealed and amended as follows:

"SEXUAL CONDUCT." Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

SECTION 2

Any ordinance, or part of ordinance, conflicting with this ordinance, be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED by the Council of the Borough of Derry this 9th day of Apr. 1, 2024.

BOROUGH OF DERRY
Westmoreland County, Pennsylvania

Attest:

Secretary

By

Rae Checco
President, Borough Council

James A. Marino
Mayor