

NUISANCES, DECLARING HOUSE OF PROSTITUTION AS
Act of Jun. 23, 1931, P.L. 1178, No. 319
AN ACT

Cl. 68

Declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act.

Section 1. Building used for fornication, etc; as nuisance

Any building, or part of a building, used for the purpose of fornication, lewdness, assignation, and/or prostitution is hereby declared to be a common nuisance; and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to imprisonment for not more than one year, or pay a fine not exceeding one thousand dollars, or both, at the discretion of the court. (1931, June 23, P.L. 1178, No. 319, Sec. 1.)

Section 2. Knowledge of unlawful use by owner

If a person, being the owner of any building, has knowledge of, or reason to believe, that such building, or a part thereof, is used for the purposes of fornication, lewdness, assignation, and/or prostitution, and suffers the same to be so used, such building shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of maintaining such nuisance for such violation of this act; and the total amount of any such fine and costs may be entered, by the filing of a certificate thereof by the clerk of the court in which the same was imposed in the court of common pleas of the county, and shall remain a lien in favor of such county until paid. Judgment may be obtained thereon and execution issued in the manner provided by law in the case of municipal liens. (1931, June 23, P.L. 1178, No. 319, Sec. 2.)

Section 3. An action to enjoin any nuisances defined in section one of this act may be brought, in the name of the Commonwealth of Pennsylvania, by the Attorney General thereof or by the district attorney of the county concerned.

(3 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 4. Abatement of nuisance

It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that the building nor any part thereof be not used for any of the purposes aforesaid. And upon judgment of the court ordering such nuisance to be abated, the court may order that the building, or any part thereof, shall not be occupied or used for any purpose whatsoever for one year thereafter, but the court may, in its discretion, permit it to be occupied or used if the owner thereof shall give bond, with sufficient surety to be approved by the court making the order, in the penal and liquidated sum

of not less than one thousand dollars nor more than twenty-five hundred dollars, payable to the Commonwealth of Pennsylvania, and conditioned that the building, or part thereof, shall not be used for any of the purposes aforesaid, and that he will pay all fines, costs, and damages that may be assessed for any violation of this act upon said property. (1931, June 23, P.L. 1178, No. 319, Sec. 4.)

Section 5. (5 repealed Apr. 28, 1978, P.L.202, No.53)

Section 6. Violation of injunction; contempt

Any person, or any owner of such building, or any agent of such owner, who, after any injunction or order, as aforesaid, has been granted, shall use such building, or any part thereof, as aforesaid, or knowingly permit the same to be so used, shall be subject to summary punishment as for contempt of court, in the manner now provided by law. (1931, June 23, P.L. 1178, No. 319, Sec. 6.)

Section 7. Violation of act

Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to imprisonment for not more than one year, or pay a fine not exceeding one thousand dollars, or both, at the discretion of the court. (1931, June 23, P.L. 1178, No. 319, Sec. 7.)