

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



CO00023919

ORDINANCE NO. 92-122

AMENDING TITLE 10 OF THE SNOHOMISH COUNTY CODE
RELATING TO PATRONIZING PROSTITUTION

BE IT ORDAINED:

Section 1. Section 10.04.010 of Snohomish County Code, adopted by Ordinance No. 83-010 SS2(part) on February 25, 1983, is amended to read:

10.04.010 Definitions. As used in this chapter, the following words and terms shall have the meaning set forth in this section:

(1) "Actor" means a person, regardless of gender, who engages in conduct prohibited by this chapter.

(2) "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story, or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas.

~~((+2))~~ (3) "Exposed" means the state of being revealed, exhibited or otherwise rendered open to public view.

(4) "High risk prostitution area" means:

(a) The entire area extending two blocks east of and two blocks west of and inclusive of State Route 99 (Highway 99) from 220th Street S.W. to 244th Street S.W.; and,

(b) The entire area extending two blocks east of and two blocks west of and inclusive of State Route 99 (Highway 99) from State Road 525 (Mukilteo Speedway) to 112th Street S.W.

~~((+3))~~ (5) "Public exposure" means the act of revealing, exhibiting or otherwise rendering open to public view.

~~((+4))~~ (6) "Public place" means any place in which the general public has a right to be present, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food or drink is served, or entertainment provided.

~~((+5))~~ (7) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

~~((+6))~~ (8) "Sexual intercourse:"

(a) Has its ordinary meaning and occurs upon any penetration, however slight; and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and

(c) Also means any act of sexual contact between persons involving the sex organ of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

((7)) (9) "Sexually explicit material" means any pictorial or three-dimensional material depicting sexual intercourse, masturbation, sodomy, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or emphasizing the depiction of adult human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition. In determining whether material is prohibited for public display by this section such material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of this subsection.

((8)) (10) "Unlawful public exposure" means:

(a) A public exposure of any portion of the human anus or genitals;

(b) A public exposure of any portion of the female breast lower than the upper edge of the areola; or

(c) A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed. (Ord. 83-010 SS2(part), adopted February 25, 1983).

Section 2. Section 10.040.080 of the Snohomish County Code, adopted by Ordinance No. 83-010 SS2(part) on February 25, 1983, is amended to read:

10.040.080 Patronizing ((a-prestitute))prostitution. A person is guilty of patronizing ((a-prestitute))prostitution if:

(1) Pursuant to a prior understanding ((he))the person pays a fee to another person as compensation for ((such))that other person or a third person having engaged in sexual ((conduct))contact with him or her; or

(2) ((He))The person pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor, the other((such)) person will engage in sexual conduct with him or her; or

(3) ((He))The person solicits or requests another person to engage in sexual conduct with him or her in return for a fee((---(Ord--83-010-SS2(part)--adopted-February-25, 1983)--)); or

(4) The person remains in or near a high risk prostitution area open to the public with the intent of committing prostitution as defined in Section 10.04.050. Among the circumstances which may be considered in determining whether an actor intends such prohibited conduct are:

(a) That the actor is a known prostitute or panderer;
or,

(b) That the actor repeatedly beckons to, stops or attempts to stop or engage passersby in conversation or repeatedly stops, or attempts to stop, motor vehicle operators by hailing, waiving of arms or any other bodily gesture; or,

(c) That the actor inquires whether a potential patron, procurer or prostitute is a police officer or searches for articles that would identify a police officer or requests the touching of genitals or female breasts or requests exposure of genitals or female breasts with the purpose of establishing that the person is not a police officer.


(5) The person remains in or near a high risk prostitution area open to the public with the intent of inducing, enticing, soliciting or procuring another to commit prostitution as defined in Section 10.04.050. Among the circumstances which may be considered in determining whether an actor intends such prohibited conduct are:

(a) That the actor circles a high risk prostitution area and repeatedly beckons to, contacts, or attempts to stop pedestrians; or,

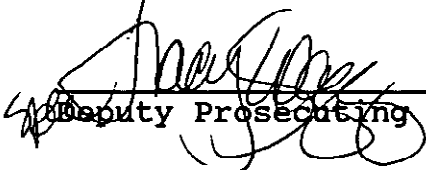
(b) That the actor inquires whether a person being induced, solicited, enticed or procured to commit prostitution is a police officer or searches for articles that would identify a police officer or requests the touching of genitals or female breasts or requests exposure of genitals or female breasts with the purpose of establishing that the person is not a police officer.

PASSED this 2nd day of December, 1992.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

Approved as to Form:


Deputy Prosecuting Attorney

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ATTEST:

Barbara Sitarati
Clerk of Council, Ass't.

- () APPROVED
() VETOED
() EMERGENCY

DATE:

12/4/92
Will Pennell
County Executive

ATTEST:

Marilyn B. Abel

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SNOHOMISH COUNTY CODE RELATING TO
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