

0020.160.064  
RPB/tw  
11/16/87

REVISING RMC 9.38  
Public Morals

**ORIGINAL**

ORDINANCE NO. 1395

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 9.38 OF THE REDMOND MUNICIPAL CODE, ENTITLED "PUBLIC MORALS, CRIMES RELATING TO," TO CONFORM TO AMENDMENTS TO THE STATE LAWS AND FEDERAL CASE LAW GOVERNING PUBLIC MORALS.

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WHEREAS, the Redmond Municipal Council recognizes that provisions governing public exposure, topless dancing, prostitution and the display of erotic material should be consistent with state and federal law, and

WHEREAS, the Redmond Municipal Council finds that this ordinance is in the interests of the public health, safety and welfare, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9.38.010 of the Redmond Municipal Code is hereby amended to read as follows:

9.38.010 Definitions

- A. "Body studio" means and includes any premises, other than a massage parlor, reducing salon, health spa or public bathhouse, upon which is furnished for a fee or charge or other like consideration, or which is offered to be furnished, the opportunity to paint, massage, feel, handle, or touch the unclothed body or any unclothed portion of the body of another person, or to be painted, massaged, felt, handled, or touched by another person, or to observe, view or photograph any such activity.
- B. "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, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.
- C. "Exposed" means the state of being revealed, exhibited or otherwise rendered to public view.
- D. "Person" means and includes natural persons of either sex, firms, corporations, and all associations of natural persons, whether acting by themselves or by an agent, servant or employee.

- E. "Public exposure" means the act of revealing, exhibiting or otherwise rendering open to public view.
- F. "Public place" means any place in which the general public has a right to be present, and any area open to public view, 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 and drink is served, or entertainment provided.
- G. "Sexual conduct" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.
- H. "Sexual intercourse";
- (1) Has its ordinary meaning and occurs upon any penetration, however slight;
  - (2) 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
  - (3) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- I. "Unlawful public exposure" means:
- (1) A public exposure of any portion of the human anus, buttocks or genitals;
  - (2) A public exposure of any portion of the female breast lower than the upper edge of the areola;
  - (3) A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed;
  - (4) A public exposure consisting of masturbation, or of urination or defecation in a place other than a restroom or other toilet facility.

Section 2. Section 9.38.020 of the Redmond Municipal Code is hereby amended to read as follows:

9.38.020 Unlawful public exposure. It is unlawful for any person to intentionally commit any act constituting unlawful public exposure of his person or the person of another. Unlawful public exposure is a gross misdemeanor.

Section 3. Section 9.38.035 of the Redmond Municipal Code is hereby repealed.

Section 4. Section 9.38.080 of the Redmond Municipal Code

is hereby repealed.

Section 5. Section 9.38.110 of the Redmond Municipal Code is hereby amended to read as follows:

9.38.110 Penalty for violations. Unless otherwise provided, any person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act which is in violation of the provisions of this chapter, whether individually or in connection with one or more persons and whether as principal, agent, or accessory or who falsely, fraudulently, forcefully or willfully induces, causes, coerces, requires, permits or directs others to commit such violation, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.01.

Section 4. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. This ordinance being an exercise of a power specifically delegated to the legislative body, is not subject to referendum and shall take effect five (5) days after publication of the attached summary which is hereby approved.

APPROVED:

Doreen Marchione  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible  
CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

[Signature]

FILED WITH THE CITY CLERK: 12-3-87  
PASSED BY THE CITY COUNCIL: 12-8-87  
PUBLISHED: 12-13-87  
EFFECTIVE DATE: 12-18-87  
ORDINANCE NO. 1395