

ORIGINAL

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 864

AN ORDINANCE, relating to the preservation of public peace, safety, morality and good order in the City of Redmond, prohibiting certain activity, conduct, and behavior and providing penalties for violations.

THE CITY COUNCIL OF THE CITY OF REDMOND DO ORDAIN AS FOLLOWS:

Section 1. Definitions. The following words and terms as used herein shall be held and construed to have the following meanings:

a. "Liquor" shall mean and include the definition provided by the Washington State Liquor Act (RCW 66.04.010) and shall include the four (4) varieties of liquor as defined therein.

b. "Person" shall mean and include natural persons of either sex, firms, corporations, and all associations of natural persons, whether acting by themselves or by an agent, servant, or employee.

c. "Public place" shall mean and include any place to which the general public has a right to be present, or any area generally visible to the public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings of dwellings and the grounds enclosing them.

d. "Erotic material" shall mean any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), 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 under this definition, 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 section.

e. "Public Display of Erotic Material" shall mean whenever any material, as defined by Section 1(d), is placed by any person on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that it is easily visible from a public thoroughfare or from the property of others.

4. "Body Studio" shall mean and include 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 the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled, or touched by another person, or to observe, view or photograph any such activity.

g. "Lewd conduct" shall mean and include exposing of one's genitals or female breasts, the touching, caressing, fondling of the genitals or female breasts, or masturbation or urination or defecation in a place other than a washroom or toilet room.

Section 2. Prohibited conduct.

a. "Public Exposure" It shall be unlawful for any person to appear or to cause the appearance of any person in any place where liquor or alcoholic beverage is offered for sale for consumption on the premises when the person appearing is so costumed or dressed that any portion of the male or female genitals, pubic area, buttocks or that portion of the female breast lower than the upper edge of the areola, is exposed to public view with less than full opaque covering.

b. "Lewd Conduct - Person" It shall be unlawful for any person to intentionally perform any lewd act which constitutes Lewd Conduct as herein defined in a public place or at a place and under circumstances where such act could be observed by any member of the public.

c. "Lewd Conduct - Premises" The owner, manager, or operator of premises open to the public wherein alcoholic beverages are sold, served or consumed is guilty of permitting Lewd Conduct if he or she intentionally or knowingly permits or causes any Lewd Conduct on said premises.

d. "Body Studio" It shall be unlawful for any person to operate, conduct, or maintain a Body Studio, or to knowingly participate in any business or conduct related thereto on the premises of a Body Studio, or to knowingly be employed on such premises.

e. "Public Display of Erotic Materials" It shall be unlawful for any person to engage in the Public Display of Erotic Material as herein defined where such person knowingly places such material upon display, or knowingly fails to take prompt action to remove such a display from property in his or her possession or under his or her management or control after learning of its existence.

Section 3. Penalty for violations. 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 ordinance, whether individually or in connection with one or more persons and whether as principal, agent, or accessory or who falsely, fraudulently, forcefully or wilfully 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 Section 1.01.110 of the Redmond Municipal Code.

Section 4. Cumulative affect of ordinance. The provisions of this section are intended as cumulative and selective, and shall not repeal any other section involving the same subject matter.

Section 5. Exercise of police power. This ordinance shall be deemed to be an exercise of the police power of the City of Redmond to preserve the public peace, health, safety, welfare, morality and its provisions shall be liberally construed for the accomplishment of that purpose.

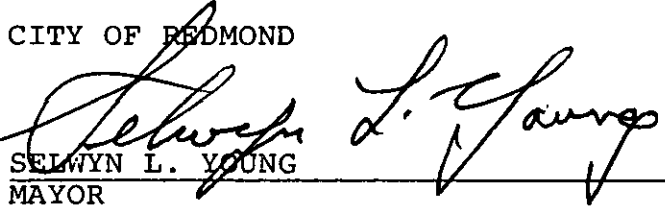
Section 6. Severability. The provisions of this ordinance are severable and if any provisions, sentence, clause section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, the illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the

intent of the City Council that their ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, or if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Section 7. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 20th day of March, 1979.

CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


PAUL F. KUSAKABE

CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON

CITY ATTORNEY

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