

ORDINANCE NO. 180

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADDING SECTION 9.03.162 TO THE WOODINVILLE MUNICIPAL CODE, DEFINING THE CRIME OF LEWD CONDUCT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Woodinville has adopted a criminal code which is set forth in Chapter 9.03 of the Woodinville Municipal Code, and

WHEREAS, the City of Woodinville has not adopted a criminal code provision which prohibits inappropriate sexual conduct in public places, and

WHEREAS, the City Council of the City of Woodinville wishes to adopt a criminal code provision which proscribes said conduct, and

WHEREAS, this ordinance is in the interest of the citizen's health, safety and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Section 9.03.162 is hereby added to the Woodinville Municipal Code, to read as follows:

9.03.162 Lewd Conduct.

- (1) Every person who intentionally performs any lewd act in a public place knowing that such conduct is likely to cause reasonable affront and alarm is guilty of a misdemeanor.
- (2) "Lewd Act" means public:
 - (a) Exposure of any portion of the human anus or genitals, including display of the male genitals in a discernable turgid state, even if completely and opaquely covered; or

- (b) Exposure of the female breast lower than the upper edge of the areola; provided, however, that nothing in this Section shall prohibit the breastfeeding of an infant or child under the age of thirty-six months; or
 - (c) Touching caressing or fondling of the male or female genitals or female breasts, whether clothed or naked; or
 - (d) Sexual conduct as defined by Subsection 4 of this Section; or
 - (e) Simulated acts of human sex, including intercourse, oral copulation, sodomy, or masturbation of oneself or of one person by another.
- (3) "Public" or "public display" means easily visible from a public thoroughfare or from property of others in any portion of any public facility or park, or in any other public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure.
- (4) "Sexual conduct" means sexual intercourse or sexual contact.
- (5) "Sexual intercourse" means:
- (a) Its ordinary meaning, occurring upon any penetration, however slight; or
 - (b) Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or
 - (c) Any contact between persons involving the sex organs of one person in the mouth or anus of another, whether such persons are of the same or opposite sex.

(6) "Sexual contact" means:

- (a) Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party;
- (b) Masturbation, manual or instrumental, of oneself in the presence of another, or one person by another.

Section 2. Severability. 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 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council of the City of Woodinville this 23rd day of June, 1997.

APPROVED:



MAYOR, ROBERT R. MILLER

ATTEST/AUTHENTICATED:



CITY CLERK/TREASURER, JAMES KATICA

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

Dawn L. Findley

FILED WITH THE CITY CLERK: 7-8-97
PASSED BY THE CITY COUNCIL: 6-23-97
PUBLISHED: 6-30-97
EFFECTIVE DATE: 7-7-97
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