

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4736

AN ORDINANCE regulating public conduct; amending Ordinance No. 3516, Sections 11 (part), 24 (part) and 26 (part); Ordinance No. 3550, Section 3 (part) and Section 4 (part); Ordinance No. 4691, Sections 1 and 2; and Bellevue City Code Sections 10A.88.010 and .030; and repealing Ordinance No. 3516, Sections 11 (part) and 24 (part); Ordinance No. 3550, Section 3 (part); Ordinance No. 4601, Section 1; Ordinance No. 4691, Section 3; and Bellevue City Code Section 10A.88.035.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 3516, Sections 11 (part) and 26 (part); Ordinance No. 3550, Section 4 (part); Ordinance No. 4691, Section 1; and Bellevue City Code Section 10A.88.010, are hereby amended as follows:

**10A.88.010 Definitions.**

For the Purpose of this chapter:

- A. "Known prostitute or panderer" means a person who, within one year previous to the date of arrest for violation of Chapter 10A.88.050, has within the knowledge of the arresting officer been convicted of an offense involving prostitution.
- B. "Lewd act" means public:
  - 1. Exposure of any portion of the human anus or genitals, including display of the male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - 2. Exposure of the female breast lower than the upper edge of the areola; or
  - 3. Touching, caressing or fondling of the male or female genitals or female breast, whether clothed or naked; or
  - 4. Sexual conduct as defined by subsection D of this section.

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5. Simulated acts of human sex, including intercourse, oral copulation, sodomy, or masturbation of oneself or of one person by another.
- C. "Public" or "public display" means easily visible from a public thoroughfare or from property of others, or in a public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure to the conduct.
- D. "Sexual conduct" means "sexual intercourse " or "sexual contact".
- E. "Sexual intercourse" means:
1. Its ordinary meaning, occurring upon any penetration, however slight; or
  2. 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
  3. Any 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; or
- F. "Sexual contact" means:
1. 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.
  2. Masturbation, manual or instrumental, of oneself in the presence of another, or of one person by another.

Section 2. Ordinance No. 3516, Sections 11 (part) and 24 (part); Ordinance No. 3550, Section 3 (part); Ordinance No. 4691, Section 2, and Bellevue City Code Section 10A.88.030, are hereby amended as follows:

**10A.88.030 Lewd act.**

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.

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Section 3. Ordinance No. 3516, Sections 11 (part) and 24 (part); Ordinance No. 3550, Section 3 (part); Ordinance No. 4601, Section 1; Ordinance No. 4691, Section 3; and Bellevue City Code Section 10A.88.035, are hereby repealed.

Section 4. This Ordinance shall take force and be in effect thirty days after its passage and legal publication.

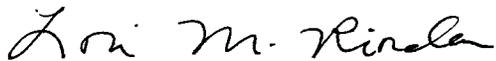
PASSED by the City Council this 23rd day of January, 1995, and signed in authentication of its passage this 23rd day of January, 1995.

(SEAL)

  
Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Lori M. Riordan, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published January 27, 1995