AN ORDINANCE of the City of Kent, Washington, relating to crimes and offenses against the public order; adding a new Section 9.02.34 Kent City Code, prohibiting lewd conduct; adding a new Section 9.02.35 Kent City Code, prohibiting urinating in public; providing for penalties; repealing KCC 9.02.120(17), concerning public indecency.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Section 9.02.34 Kent City Code is added as follows:

9.02.34. LEWD CONDUCT.

A. A person is guilty of lewd conduct if the person intentionally performs any lewd act in a public place, or at a place and under circumstances where such act could be observed by any member of the public.

B. For purposes of this Section 9.02.34, or as otherwise referenced, the following definitions shall apply:

1. "Lewd act" means:
   a. An exposure of one's genitals or female breasts; or
   b. The touching, caressing or fondling of the genitals or female breasts; or
   c. Sexual intercourse. For purposes of this section, sexual intercourse has its ordinary meaning, and occurs upon any penetration, however slight; it also means any act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another.
   d. Masturbation.

2. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, motor vehicles (whether moving or not), and buildings open to the general public,
including those which serve food or drink or provide entertain-
ment, and the doorways and entrances to buildings or dwellings and
the grounds enclosing them.

C. This Section 9.02.34 shall not be applied to
artistic or dramatic performances in a theater or a museum.

D. Any person who commits an act of lewd conduct shall
be guilty of a misdemeanor pursuant to KCC 9.02.108.

Section 2. A new Section 9.02.35 Kent City Code is added
as follows:

9.02.35. URINATING IN PUBLIC.

A. A person is guilty of urinating in public if the
person intentionally urinates or defecates in a public place,
other than a washroom or toilet room, under circumstances where
such act could be observed by any member of the public.

B. "Public place" as used in this Section 9.02.35 has
the meaning defined in Section 9.02.34B2.

C. Any violation of the provisions of this Section
shall be an infraction, and any person found in violation shall be
subject to a penalty not to exceed $250.00.

Section 3. KCC 9.02.120 is amended as follows:

9.02.120. The following sections of Title 9A of the
Revised Code of Washington are hereby adopted by reference upon
becoming effective July 1, 1976 and shall be given the same force
and effect as if they were adopted in their entirety:

(1) 9A.08.020 Liability for conduct of another -
complicity.

(2) 9A.28.030 Criminal solicitation.

(3) 9A.28.040 Criminal conspiracy.
(4) 9A.36.050 Reckless endangerment.

(5) 9A.36.070 Coercion.

(6) 9A.48.090 Malicious mischief in the third degree.

(7) 9A.48.100 Definition.

(8) 9A.52.100 Vehicle prowling.

(9) 9A.56.170 Possessing stolen property in the third degree.

(10) 9A.72.040 False swearing.

(11) 9A.72.150 Tampering with physical evidence.

(12) 9A.76.090 Rendering criminal assistance in the third degree.

(13) 9A.76.100 Compounding.

(14) 9A.76.160 Introducing contraband in the third degree.

(15) 9A.84.010 Riot

(16) 9A.84.040 False Reporting.

(17) (9A.88.010 Public Indecency) [Reserved].

(18) 9A.88.030 Prostitution.

(19) 9A.88.090 Permitting prostitution.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.
Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

[Signature]
ISABEL HOGAN, MAYOR

ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 1st day of April, 1985.
APPROVED the 2nd day of April, 1985.
PUBLISHED the 5th day of April, 1985.

I hereby certify that this is a true copy of Ordinance No. 2545, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
(SEAL)
MARIE JENSEN, CITY CLERK

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