

ORDINANCE NO. 1299

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CRIMES RELATING TO PUBLIC MORALS; AMENDING SECTION 9.30.020 OF THE GIG HARBOR MUNICIPAL CODE TO REMOVE DUPLICATE PROVISION RELATING TO UNLAWFUL PUBLIC EXPOSURE AND UPDATING REFERENCE TO VOYEURISM STATUTE; REPEALING SECTION 9.30.040 RELATING TO DUPLICATE PROVISION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City adopted state statutes relating to sex crimes, prostitution and unlawful public exposure in section 9.30.020 of the Gig Harbor Municipal Code; and

WHEREAS, GHMC 9.30.020(A) incorporates by reference RCW 9A.88.010, the state law provision relating to unlawful public exposure and GHMC 9.30.020(B) includes a separate crime of indecent exposure; and

WHEREAS, the City Council desires to delete the second, unnecessary provision relating to unlawful public exposure set forth in GHMC 9.30.020(B) and its corresponding exemptions set forth in GHMC 9.30.040, and to update the citation to the state law provision for voyeurism; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 9.30.020 - Amended. Section 9.30.020 of the Gig Harbor Municipal Code is amended as follows:

9.30.020 Sex crimes – Prostitution – Unlawful public exposure.

~~A.~~ The following state statutes are adopted by reference:

RCW

9A.44.010 Definitions.

9A.44.020 Testimony – Evidence – Written motion – Admissibility.

9A.44.030 Defenses to prosecution under this chapter.

9A.44.096 Sexual misconduct with a minor in the second degree.

9A.44.115 Voyeurism

9A.88.010 Indecent exposure.

9A.88.030 Prostitution.

9A.88.050 Prostitution – Sex of parties immaterial – No defense.

9A.88.060 Promoting prostitution – Definitions.

9A.88.090 Permitting prostitution.

9A.88.110 Patronizing a prostitute.

9A.88.120 Additional fee assessments.

~~Section 1, Chapter 221, 1998 Laws Voyeurism~~

~~B. A person commits the crime of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. Indecent exposure is a misdemeanor, unless such person exposes himself/herself to a person under the age of 14 years, in which case the offense is a gross misdemeanor.~~

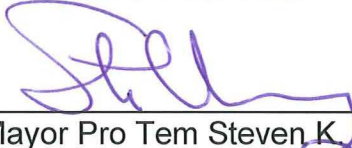
Section 2. Section 9.30.040 - Repealed. Section 9.30.040 of the Gig Harbor Municipal Code is hereby repealed in its entirety.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 4. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 14th day of July, 2014.

CITY OF GIG HARBOR



Mayor Pro Tem Steven K. Ekberg

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 07/09/14
PASSED BY THE CITY COUNCIL: 07/14/14
PUBLISHED: 07/23/14
EFFECTIVE DATE: 07/28/14
ORDINANCE NO: 1299