

March 27, 1985
6166A/MMcF/hdm

Introduced by: BOB GREIVE

Proposed No: 84-317

ORDINANCE NO. 7186

AN ORDINANCE relating to prostitution
and defining certain public nuisances.

PREAMBLE:

The King County council finds that the use of premises for purposes of lewdness, assignation or prostitution, constitutes a debasement and distortion of sensitive human relationships central to family life, community welfare and the development of human personality, is indecent and offensive to the senses and to public morals, that it is a threat to public health and is responsible for crimes against the persons of the prostitutes and has substantially increased the cost to the county of policing the areas in which it flourishes, and that such exploitation and flagrant violations of the building code, health laws, zoning resolutions, licensing laws, and environmental laws all interfere with the interest of the public in the quality of life and total community environment, the tone of commerce in King County, property values and the public safety; the council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety, morals and general welfare of the people of King County and of the businesses and visitors thereof.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Any building, structure or place used for the purpose of prostitution as defined in KCC 12.63.030 or RCW 9A.88.030 is declared to be a public nuisance.

SECTION 2. A. Two or more criminal convictions of persons for acts of prostitution in a building, structure or place, within the one-year period preceding the commencement of an action under this ordinance, shall give rise to a rebuttable presumption that the building, structure or place has been used for the purposes of prostitution and is a public nuisance. In any action under this ordinance, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence.

1 Evidence of the general reputation of the building or place, or
2 of the inmates or occupants thereof that is sufficient to
3 establish the existence of the public nuisance, shall be prima
4 facie evidence of knowledge thereof and acquiescence and
5 participation therein and responsibility for the nuisance by
6 persons or legal entities having an interest in the property.
7 Responsibility for the nuisance shall extend to the owners,
8 lessors, lessees and all those in possession of or having
9 charge of, as agent or otherwise, or having any interest in any
10 form in the property, real or personal, used in conducting or
11 maintaining the public nuisance.

12 B. Evidence of cooperation by owners, agents or managers
13 of a building or place with police investigations or operations
14 to control prostitution may be used to rebut the presumptions
15 created in this section.

16 SECTION 3. Any conviction of any owner, manager, operator,
17 agent or employee for promoting prostitution (as defined in RCW
18 9A.88.060) or permitting prostitution (as defined in RCW
19 9A.88.090) when such offense was related to any business or
20 commercial enterprise, shall be prima facie evidence that the
21 building, structure or place upon or in which business or
22 commercial enterprise is or was conducted, was used for
23 prostitution.

24 SECTION 4. Maintenance of a public nuisance as declared in
25 Section 1 of this ordinance, in addition to any other civil or
26 criminal penalties, shall result in:

27 A. A civil penalty not to exceed five hundred dollars for
28 a first conviction under Section 3 of this ordinance.

29 B. Abatement by closure of such business or commercial
30 enterprise for from five to thirty days for each subsequent
31 conviction under Section 3 within twenty-four months of any
32 previous conviction.
33

SECTION 5. If any portion of this ordinance or its application to any person or set of circumstances should be held unconstitutional, it shall not affect any other portion of this ordinance or other application to other persons or sets of circumstances.

INTRODUCED AND READ for the first time this 21st of May, 1984.

PASSED this _____ day of _____, 19 _____.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chairman

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 2nd day of May, 1985.

Randy Lewis
King County Executive