

ORDINANCE NO. 1757

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9.05 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO LEWD CONDUCT, INDECENT CONDUCT IN THE PRESENCE OF MINORS, AND FACILITATING LEWD CONDUCT; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2014, the City adopted Ordinance No. 1496 amending Bonney Lake Municipal Code (“BLMC”) Chapter 9.05 relating to lewd conduct in order to protect and preserve the health, safety, and welfare of the people of the City; and

WHEREAS, the 2014 amendments were recommended in part to improve enforceability, better comply with court decisions and state law, and reduce possible vagueness arguments in the City’s criminal lewd conduct regulations; and

WHEREAS, the City Council finds that Chapter 9.05 of the BLMC should be amended to clarify prohibited lewd conduct in places where the public is present or likely to be present, establish the separate offense of indecent conduct in the presence of minors, and clarify liability for facilitating lewd conduct, all in order to promote the protection of children and assist law enforcement, prosecutors, and the municipal court in the consistent enforcement of the code; and

WHEREAS, the City Council intends these amendments to protect the public health, safety, and welfare, provide clearer and practical enforcement standards, and supplement rather than limit applicable state law, including RCW 9A.88.010; and

WHEREAS, Chapter 9.05 is intended to regulate lewd conduct occurring in public places, including places open to the public or places where a person may reasonably be expected to be observed by the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Findings.** The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

Section 2. **Amended Section.** Section 9.05.030, “Lewd conduct” is hereby amended in the Bonney Lake Municipal Code to read as follows:

A. A person is guilty of lewd conduct if, in a public place other than a public place provided or set apart for nudity, the person intentionally:

1. Exposes any of the following body parts, or portions thereof, without a full and opaque covering:
 - a. Any part of the male or female genitals, ~~pubic hair, pubic area, perineum, anus, bottom one-half of the anal cleft, buttocks, or anal cleavage;~~
 - b. Any part of the areola or nipple of the female breast; ~~or~~
 - c. ~~More than one-half of the part of the female breast located below the top of the areola;~~
2. Exposes the male genitals in a discernibly turgid state, even if fully and opaquely covered;
3. Touches, caresses, or fondles the genitals or female breast, whether clothed or unclothed, with the intention of sexual arousal of one's self or others;
4. Masturbates; or
5. Engages in sexual intercourse or sexual contact as those terms are defined in Chapter 9A.44 RCW.

B. ~~Body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface, any substance that can be washed off the skin, or any substance designed to simulate or by which by its nature simulates the appearance of the anatomical area beneath it, is not a full and opaque covering within the meaning of this section.~~

C. ~~Attire which is insufficient to comply with these requirements includes but is not limited to those items commonly known as G-strings, T-backs, dental floss, and thongs.~~

9A.88.010 are adopted by reference and remain fully applicable. Nothing in this subsection limits the authority of law enforcement or prosecutors to charge under RCW 9A.88.010, including any gross misdemeanor or felony penalty authorized by that statute.

C. Definitions for purposes of this section:

1. “Public place” includes any building, facility, or grounds owned, leased, or controlled by the City, County, or a public school district when opened to members of the public, whether with or without an admission charge, and regardless of whether operated by the owner or by a permit holder, lessee, renter, or other user.
2. This section is intended to regulate conduct, including public exposure of specified body parts and specified sexual activity, and is not intended to regulate the content or viewpoint of any expression.

Section 3. Amended Section. Section 9.05.035, “Facilitating lewd conduct” is hereby amended in the Bonney Lake Municipal Code to read as follows:

9.05.035 Facilitating lewd conduct.

The owner, lessee, permit holder, renter, licensee, sponsor, manager, operator, or other person in charge of a public place, including any public school district facility when open for use by the public, other than a public place provided or set apart for nudity shall be guilty of facilitating lewd conduct if the person knowingly permits, encourages, or causes to be committed lewd conduct as defined in BLMC § 9.05.030. For purposes of this section, a person “knowingly permits” lewd conduct if, after obtaining actual knowledge that lewd conduct is occurring or is imminent, the person fails to take reasonable steps within their authority to prevent or stop the lewd conduct, including but not limited to suspending the performance or terminating the event. Each day, performance, or event during which lewd conduct is knowingly permitted, encouraged, or caused to be committed constitutes a separate violation. Nothing in this section creates criminal liability for the City, County, any public school district, or their officers, employees, or agents for unexpected lewd conduct that is promptly addressed once discovered. Pursuant to BLMC 9.05.050, Facilitating lewd conduct is a misdemeanor.

Section 4. 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 unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance number, section/subsection, and any reference thereto. Provided, however, that nothing in this section allows the city attorney, the city clerk, and/or the code publisher to change the intent of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 16th day of June 2026.

APPROVED by the Mayor this 16th day of June 2026.

Signed by:

465E1B9F3A404C5...
Terry Carter, Mayor

ATTEST/AUTHENTICATED:

Signed by:

9C381FCDA4A742E...
Sadie A. Schaneman, MMC, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

3CCD924BC20444F...
Jennifer S. Robertson, City Attorney

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Agenda Bill Number:	AB26-47 -
Agenda Item Type:	Ordinance
Presenter:	John Vodopich, City Administrator
City Strategic Goal Category:	Public Safety Vision
Department/Division Submitting:	Admin
Impacted Departments That Received Notification:	Public Services Police Department Executive Court

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9.05 Of The Bonney Lake Municipal Code Relating To Lewd Conduct, Indecent Conduct In The Presence Of Minors, And Facilitating Lewd Conduct; Providing For Severability And Corrections; And Establishing An Effective Date.

Short Background Summary:

The City's lewd conduct code is being updated to improve enforceability, clarify liability for persons who knowingly permit lewd conduct at public events or venues, and establish a separate municipal offense for indecent conduct in the presence of minors. The 2014 amendments to Chapter 9.05 were intended to improve enforceability and better comply with court decisions and state law, and this ordinance continues that effort by providing clearer standards for enforcement and prosecution.

Indecent Conduct in the Presence of Minors. The ordinance adds a new subsection creating the separate offense of indecent conduct in the presence of minors. This offense applies when a person commits lewd conduct in a public place where the person knows or reasonably should know that one or more minors are present or are likely to be present, including but not limited to parks, sidewalks, school grounds, and school facilities while in use for school-sponsored or community events. The amendment is intended to provide an additional municipal enforcement tool to address lewd conduct occurring in settings where children are present.

Facilitating Lewd Conduct. The ordinance also expands and clarifies the City's prohibition on facilitating lewd conduct. The amended section applies to owners, lessees, permit holders, renters, licensees, sponsors, managers, operators, and other persons in charge of a public place, including public school district facilities when open for use by the public. It further defines when a person "knowingly permits" lewd conduct, including when the person has actual knowledge that lewd conduct is occurring or is imminent and fails to take reasonable steps within their authority to prevent or stop it, such as suspending a performance or terminating an event. The

amendment is intended to support accountability for persons responsible for public venues while also clarifying that unexpected lewd conduct that is promptly addressed does not create criminal liability for the City, County, public school districts, or their officers, employees, or agents.

Consistency with State Law. The proposed amendments are also intended to supplement, and not limit, applicable state law. The indecent conduct in the presence of minors subsection expressly states that RCW 9A.88.010 remains fully applicable and that nothing in the municipal code limits the authority of law enforcement or prosecutors to pursue any misdemeanor, gross misdemeanor, or felony charge authorized by state law. This preserves the City’s local enforcement tools while avoiding any implication that the municipal offense replaces or narrows state criminal law.

Budget Explanation:

Committee, Board, Commission, & Hearing Examiner Review

Name Of Committee/Commission/Examiner Meeting:

Date of Committee/Commission/Examiner Meeting:

Date of Committee/Commission Public Hearing:

Committee/Commission/Examiner Meeting Decision:

Council Action

Date of Council Workshop

Date of Council Meeting

Date of Council Public Hearing

6/16/2026

Classified Proof

Client	3100013000 - City of Bonney Lake- LEGAL ADS	Phone	(253) 862-8602		
Address	9002 Main St E, Suite 300	E-Mail	BesawK@bonneylake.gov		
	Bonney Lake, WA, 98391	Fax			
Order#	1032874	Requested By	KANDICE BESAW	Order Price	\$65.10
Classification	3030 - Legal Notices	PO #	ORDS 1756-1758	Tax 1	\$0.00
Start Date	07/01/2026	Created By	0917	Tax 2	\$0.00
End Date	07/01/2026	Creation Date	06/23/2026, 02:46:27 pm	Total Net	\$65.10
Run Dates	1			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**City of Bonney Lake
Ordinances adopted
6/16/2026:**

**AB26-37 - Ordinance
1756**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating To Stormwater Management And Stormwater Utility, Renumbering Chapter 15.13 Of The Bonney Lake Municipal Code (BLMC) "Stormwater Management" To Chapter 13.18 Of The BLMC And Renumbering Chapter 15.14 "Stormwater Utility" To Chapter 13.19 BLMC; Providing For Severability And Corrections; And Establishing An Effective Date.

**AB26-40 - Ordinance
1757**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9.05 Of The Bonney Lake Municipal Code Relating To Lewd Conduct, Indecent Conduct In The Presence Of Minors, And Facilitating Lewd Conduct; Providing For Severability And Corrections; And Establishing An Effective Date

**AB26-48 - Ordinance
1758**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating to Electric Motorcycles, Establishing Chapter 10.21 of the Bonney Lake Municipal Code (BLMC) "Electric Motorcycles"; Providing For Severability and Corrections; And Establishing An Effective Date.

ECH1032874
7/1/26