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# Ordinance No. 104485

AN ORDINANCE relating to unlawful conduct; amending Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) to clarify the definition of "Body Studios".

*4/29/75 Pass (SMA)*

COMPTROLLER  
FILE NUMBER

## Council Bill No. 96262

INTRODUCED: <b>APR 21 1975</b>	BY: <b>REVELLE</b>
REFERRED: <b>APR 21 1975</b>	TO: <b>PUB. SAFETY &amp; HEALTH</b>
REFERRED:	
REPORTED: <b>MAY 5 1975</b>	SECOND READING: <b>MAY 5 1975</b>
THIRD READING: <b>MAY 5 1975</b>	SIGNED: <b>MAY 5 1975</b>
PRESENTED TO MAYOR: <b>MAY 6 1975</b>	APPROVED: <b>MAY 13 1975</b>
RETD. TO CITY CLERK: <b>MAY 13 1975</b>	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 104485

AN ORDINANCE relating to unlawful conduct; amending Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) to clarify the definition of "Body Studios".

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) added by Ordinance 104312, is amended to read as follows:

Section 12A.12.160 Body Studios. (1) As used in this Section, a "Body Studio" is any premises, other than a massage parlor, reducing salon, or public bathhouse as defined in the License Code (Ordinance 48022) and licensed as such, upon which is furnished for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity, and shall include any such premises which is advertised or represented in any manner whatsoever as a "body painting studio", "model studio", "sensitivity awareness studio" or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph

1 any such activity.

2 (2) It is unlawful for any person to operate, conduct, or  
3 maintain a Body Studio, or to knowingly conduct any business  
4 related thereto on the premises of a Body Studio, or to knowingly  
5 be employed on such premises.

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(To be used for all Ordinances except Emergency.)

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 5 day of May, 1975, and signed by me in open session in authentication of its passage this 5 day of May, 1975.

*[Signature]*  
President of the City Council.

Approved by me this 13 day of May, 1975.

*[Signature]*  
Mayor.

Filed by me this 13 day of May, 1975.

Attest: *[Signature]*  
City Comptroller and City Clerk.

(SEAL)

Published

By *[Signature]*  
Deputy Clerk.

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## THE CITY OF SEATTLE

### LAW DEPARTMENT

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ROBERT B. JOHNSON  
JOSEPH T. SCHLOSSER

CLAIMS MANAGER  
V. L. PORTER

April 16, 1975

APR 16 1975  
4 PM 4:35

Re: Mike McGuire d/b/a Lavender Lady et al.  
v. The City of Seattle and Wes C. Uhlman,  
Mayor, King County Cause No. 794059  
Ordinance 104312 - Body Studios.

City Council  
The City of Seattle

Honorable Members:

The above captioned action has been instituted for a declaratory judgment seeking to have Ordinance 104312 (which prohibits the operation of "Body Studios") adjudged unconstitutional and/or not applicable to certain businesses operated by the plaintiffs in such action.

Such plaintiffs have made the contention, among others, that Ordinance 104312 does not specifically prohibit or make unlawful the activity of furnishing for a fee or charge

". . . the opportunity to paint, massage, feel, handle, or touch the unclothed or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity."

which quoted language is included in the definition of "Body Studio" set forth in said Ordinance 104312.

While we disagree with such contention, and note that plaintiffs' motion for a preliminary injunction to prevent enforcement of Ordinance 104312 pending trial has been denied, in order to prevent any misunderstanding or possible ambiguity, we have prepared and forward here-with proposed legislation amending Section 12A.12.160 of the Seattle

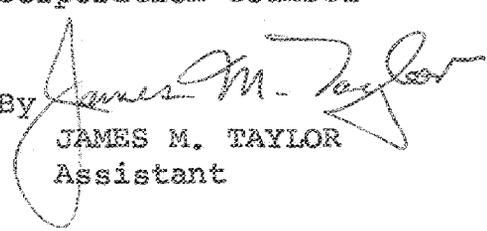
City Council  
April 16, 1975  
Page 2

Criminal Code to clarify the definition of "Body Studios", and we recommend that such proposed legislation be adopted.

Very truly yours,

JOHN P. HARRIS  
Corporation Counsel

By

  
JAMES M. TAYLOR  
Assistant

JMT:ph  
enc.

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on

PUBLIC SAFETY & HEALTH

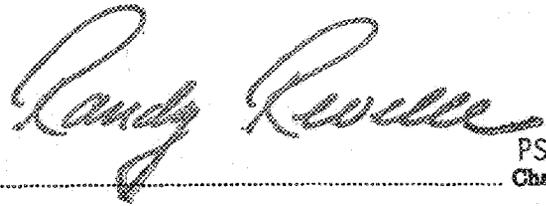
MAY 5 1975

to which was referred

C.B. 96262,

Relating to unlawful conduct; amending Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) to clarify the definition of "Body Studios",

RECOMMENDS THAT THE SAME DO PASS.



PS&H  
Chairman

Chairman

Committee

Committee

# Affidavit of Publication

## STATE OF WASHINGTON, KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a.....  
Ordinance No. 104485

was published on .....  
May 16, 1975

*P. McConnell*

Subscribed and sworn to before me on  
May 16, 1975

*[Signature]*  
Notary Public for the State of Washington,  
residing in Seattle.

**ORDINANCE 10433**

AN ORDINANCE relating to unlawful conduct; amending Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) to clarify the definition of "Body Studios."

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 12A.12.160 of the Seattle Criminal Code (Ordinance 102843) added by Ordinance 104312 is amended to read as follows:

Section 12A.12.160 BODY STUDIOS. (1) As used in this Section, a "Body Studio" is any premises, other than a massage parlor, reducing salon, or public bathhouse as defined in the License Code (Ordinance 48623) and licensed as such, UPON WHICH IS FURNISHED FOR A FEE OR CHARGE OR OTHER LIKE CONSIDERATION THE OPPORTUNITY TO PAINT, MASSAGE, FEEL, HANDLE OR TOUCH THE UNCLOTHED BODY OR AN UNCLOTHED PORTION OF THE BODY OF ANOTHER PERSON OR TO BE SO PAINTED, MASSESSED, FELT, HANDLED OR TOUCHED BY ANOTHER PERSON, OR TO OBSERVE, VIEW OR PHOTOGRAPH ANY SUCH ACTIVITY, AND SHALL INCLUDE ANY SUCH PREMISES which is advertised or represented in any manner whatsoever as a "body painting studio," "model studio," "sensativity awareness studio" or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises for a fee or charge OR OTHER LIKE CONSIDERATION the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massesed, felt, handled or touched by another person, or to observe, view or photograph any such activity.

(2) It is unlawful for any person to operate, conduct, or maintain a Body Studio, or to knowingly CONDUCT ANY BUSINESS RELATED T H E R E T O on the premises of a Body Studio, or to knowingly be employed ON SUCH PREMISES.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 5th day of May, 1975, and signed by me in open session in authentication of its passage this 5th day of May, 1975.

SAM SMITH,  
President of the City Council.

Approved by me this 13th day of May, 1975.

WES UHLMAN,  
Mayor.

Filed by me this 13th day of May, 1975.

Attest: C. G. ERLANDSON,  
City Comptroller and  
City Clerk.

(Seal) By D. W. ALFREY,  
Deputy Clerk.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, May 18, 1975. (C-888)