

ORDINANCE NO. 1423

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to public safety and the Des Moines Criminal Code; repealing DMMC 9.76.060; reenacting and recodifying DMMC 9.76.060 entitled *SOAP Orders-Issuance-Violation*; authorizing the designation of a defined area within the City of Des Moines as an anti-prostitution activity emphasis area based upon repeat incidents of prostitution-related activities occurring therein; authorizing the issuance of "Stay Out of Areas of Prostitution" (SOAP) Orders by the Des Moines Municipal Court; and providing penalties, establishing an effective date, and declaring an emergency.

WHEREAS, the City of Des Moines has historically had a significant history of criminal activity along Pacific Highway South, and

WHEREAS, prostitution along Pacific Highway South continues to be a significant problem for the City with numerous calls to the Des Moines Police Department for reports of criminal activity, and

WHEREAS, the calls regarding prostitution, loitering for purposes of prostitution, and patronizing a prostitute from 2002 through 2007 continue to be a problem in areas of the City as demonstrated by the attached "activity map", the three "Law Total Incident Reports, by Location Code," and the three "Law Incident Summary Reports, by Date and Time," attached hereto and incorporated herein by this reference, and

WHEREAS, the City enacted DMMC 9.76.060 to allow for the telephonic issuance of Stay Out of Areas of Prostitution Orders (hereinafter "SOAP orders") but these are no longer needed as the manner or method of determining the basis for a violation, and

WHEREAS, the Des Moines Police Department has authority to cite individuals for violations of SOAP Orders upon finding that the Des Moines Municipal Court has entered into the District and Municipal Court Information System ("DISCIS") the courts order and the basis for violation with detail provided through the Police Department's Spillman Summit System, and

WHEREAS, given the new technology used by the Des Moines Police Department for acquiring information, DMMC 9.76.060, adopted in 1995, should be repealed and reenacted as recommended in this ordinance, and

WHEREAS, the City Council finds that passage of this ordinance constitutes an emergency affecting the protection of public safety and public property; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Adoption by reference.

(1) The attached map and the attached "2005-2007 YTD DMPD Prostitution Related Case Reports" are hereby incorporated by reference and adopted by reference as though fully set forth in this ordinance, as presented, constituted or as may be subsequently amended.

(2) Not less than one (1) copy of each such attached map and the attached "2005-2007 YTD DMPD Prostitution Related Case Reports" is filed in the office of the Des Moines City Clerk, with the Administrator of the Des Moines Municipal Court and is available for use and examination by the public.

Sec. 2. DMMC 9.76.060 and section 88 of Ordinance No. 1036 as amended by section 1 of Ordinance No. 1132, are repealed, and the following is substituted:

(1) Stay Out of Areas of Prostitution (SOAP) Orders-Violation.

(a) Certain areas of the City shall be designated as, and identified to be, anti-prostitution emphasis-areas based on the repeat incidents of prostitution activities occurring therein, and additional penalties may be applied in the event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution, pandering, or patronizing a prostitute within said areas. The designated areas are as follows:

(i) The area within the City east of 16th Avenue South, together with the portion of the City five hundred feet (500') west of 16th Avenue South and south of Woodmont Beach Drive South, except the following: the portion of the City west of 24th Avenue South and north of South 214th Street.

(ii) Any and all motels and/or hotels within the City Limits of the City of Des Moines.

(b) Stay Out of Areas of Prostitution Orders, hereafter known as "SOAP Orders," may be issued by the Des Moines Municipal Court as a condition or term of sentencing, deferral, or suspension to any person convicted of prohibited acts of prostitution or prostitution-related offence contrary to any provision of the Des Moines Municipal Code.

(c) A person is deemed to have notice of the SOAP Order when:

(i) The signature of the person prohibited in the Order is affixed to the bottom of the Order, acknowledging receipt of the Order, or

(ii) The Order otherwise indicates that either the person or the person's attorney appeared before the court.

(d) The SOAP Order shall be in writing and shall bear the following language: "Violation of this Court Order is a criminal offense under DMMC 9.76.060, and will subject the violator to arrest."

(e) If a law enforcement officer has probable cause to believe that a person subject to the conditions of a SOAP Order is violating or failing to comply with any requirement or restriction imposed by the court, such person may be apprehended and arrested without the necessity for any warrant or additional court order.

(f) A violation of a SOAP Order shall constitute a misdemeanor. Upon conviction, any person so violating the terms and conditions of the SOAP Order shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00), or by both such imprisonment and fine.

Sec. 3. Repealer. The previously codified provisions of DMMC 9.76.060 and section 88 of Ordinance No. 1036 as amended by section 1 of Ordinance No. 1132 are hereby repealed.

Sec. 4. Recodification. Sections 1 and 2 of this ordinance shall be recodified as a new DMMC 9.76.060.

Sec. 5. Emergency declared. This ordinance is necessary for protection of public safety and public property. An emergency is declared requiring the immediate response by the City through adoption of this public emergency ordinance.

Sec. 6. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.


(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 7. Effective date. This ordinance shall take effect and be in full force immediately upon adoption as a public emergency ordinance by a majority plus one of the whole membership of the Des Moines City Council.

PASSED BY the City Council of the City of Des Moines this 6th day of December, 2007 and signed in authentication thereof this 6th day of December, 2007.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: December 31, 2007

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1423, Adopted December 31, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to public safety and the Des Moines Criminal Code; repeals DMMC 9.76.060; reenacts and recodifies DMMC 9.76.060 entitled *SOAP Orders-Issuance-Violation*; authorizes the designation of a defined area within the City of Des Moines as an anti-prostitution activity emphasis area based upon repeat incidents of prostitution-related activities occurring therein; authorizes the issuance of "Stay Out of Areas of Prostitution" (SOAP) Orders by the Des Moines Municipal Court; provides penalties, establishes an effective date, and declares an emergency.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: December 31, 2007



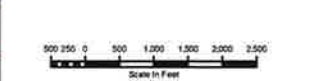
City of Des Moines

SOAP Ordinance

- Des Moines City Limits**
—
- Streams**
—
- Des Moines Hotels/Motels**
■
- SOAP Ord. Boundary**
■
- Jurisdictions**
 - Normandy Park
 - Burien
 - SeaTac
 - Kent
 - Federal Way
 - Unincorporated King County

The following areas of Des Moines are currently defined by the Court as areas of prostitution:

1. The area within the City east of 16th Avenue South, together with the portion of the City 500 feet west of 16th Avenue South and south of Woodmont Beach Drive South, except the following: The portion of the City west of 24th Avenue South and north of South 214th Street and its westerly extension to 16th Avenue South.
2. Any and all motels and/or hotels within the City limits of Des Moines.



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File: Soap_Map.mxd
Map Generated: Oct 11, 2007
Product of City of Des Moines GIS

