

CHAPTER 46
PAID SEXUAL CONTACT ORDINANCE

SECTION 1. PURPOSE. The purpose of this ordinance is to prohibit certain acts for paid sexual contact within the City of Ellsworth in order to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community.

SECTION 2. DEFINITIONS.

(a) Sexual contact means any touching of the genitals or anus, directly or through clothing, or other covering, for the purpose of arousing or gratifying sexual desire.

(b) Pecuniary benefit means any direct or indirect payment of money or any other object of value.

SECTION 3. SEXUAL CONTACT FOR PECUNIARY BENEFIT PROHIBITED

(a) Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by a person engaging in the sexual contact or by a third person is prohibited.

(b) Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by a person engaging in the sexual contact or by a third person is prohibited.

(c) Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by a person engaging in the sexual contact or by a third person is prohibited.

(d) Any person in control or possession of any place or premises, who permits the place or premises to be used as a site for any activity prohibited in subsections (a), (b) or (c) of this ordinance commits a violation of this ordinance.

SECTION 4. PENALTIES. The violation of any provision of this article shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of any city license for a premises or business in which sexual contact for pecuniary benefit is transacted.

SECTION 5. SEVERABILITY. If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

If the City prevails in an action to enforce this ordinance, or an action to enjoin or abate any activity prohibited by this ordinance, it shall be awarded its reasonable attorneys fees, expenses and costs incurred in the action.

Adopted Oct. 16, 1995