

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1183**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
ENACTING CHAPTER 10, ARTICLE VIII, SECTION 10-152, OF THE
FREDERICK MUNICIPAL CODE, ENTITLED "PROSTITUTION."**

WHEREAS, the Frederick Board of Trustees finds that it is in the interest of the health, safety and welfare of the citizens that the provisions herein be enacted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, AS FOLLOWS:

Section 1: Chapter 10, Article VIII, Section 10-152, of the Frederick Municipal Code is hereby enacted to read as follows:

Sec. 10-152. Prostitution.

(a) **Definitions.** For purposes of this Section, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

"Anal intercourse," means any contact between human beings of the genital organs of one and the anus of another.

"Cunnilingus," means any act of oral stimulation of the vulva or clitoris.

"Fellatio," means any act of oral stimulation of the penis.

"Masturbation," means the stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

"Nude," means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

"Semi-nude," means a state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.

"Sexual intercourse," means real or simulated intercourse, whether genital-genital, anal-genital, anal intercourse, cunnilingus, or fellatio, between human beings of the opposite or same sex or with an artificial device.

(b) **Prostitution prohibited.**

(1) It is unlawful for any person to perform, offer, or agree to perform any act of sexual intercourse, anal intercourse, cunnilingus, fellatio, or masturbation with or in the presence of any person not his or her spouse in exchange for money or other thing of value.

(2) It is unlawful for any person while giving a massage or while appearing nude or semi-nude, to permit or encourage another person not his or her spouse to masturbate in exchange for money or other thing of value.

(c) Soliciting for prostitution.

(1) It shall be unlawful for any person to:

(A) Solicit another for the purpose of prostitution;

(B) Arrange or offer to arrange a meeting of persons for the purpose of prostitution;

(C) By word, gesture, or action, endeavor or arrange to further the practice of prostitution;

(D) Direct another to a place knowing such direction is for the purpose of prostitution.

(d) Pandering.

It is unlawful for any person, who for money or other thing of value, knowingly arrange or offer to arrange a situation in which a person may practice prostitution.

(e) Keeping a place of prostitution.

(1) It is unlawful for any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution to perform any one or more of the following:

(A) Knowingly grant or permit the use of such place for the purpose of prostitution;

(B) Permit the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for the purposes of prostitution.

(f) Patronizing a prostitute.

(1) It is unlawful for any person to offer or agree to pay money or other thing of value to a person not his or her spouse in exchange for the performance of an act of sexual intercourse.

(2) It is unlawful for any person to enter or remain in a place of prostitution with the intent to engage in an act of sexual intercourse with a person not his or her spouse in exchange for the payment of money or other thing of value.

(g) Prostitute making display.

It is unlawful for any person, by word, gesture, or action, to endeavor to further the practice of prostitution in any public place or within public view.

(h) Confiscation of moneys used in prostitution offenses.

In addition to any fines, costs, or other penalty that the court may impose, a conviction, plea of guilty, no contest, or the entry of a deferred judgment or sentence to a violation of this Section shall result in forfeiture to the general fund of the Town of Frederick any moneys used in the commission of a violation of this Section.

(i) The provisions of this Section are designated criminal violations, subject to the penalties set forth at Frederick Municipal Code §1-72(b).

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 28th day of October, 2014.

TOWN OF FREDERICK

By: 
Laura Brown, Mayor Pro Tem

ATTEST:

By: 
Meghan C. Martinez, Town Clerk

