

ORIGINAL

WP0428C-ORD
03/06/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4745

AN ORDINANCE amending Ordinance No. 4602, Section 6; Ordinance No. 4692, Section 6; Ordinance No. 4695, Section 1; Ordinance No. 4735, Section 5; and Bellevue City Code Section 5.08.070 clarifying regulation of adult entertainment, and declaring an emergency which requires the ordinance be immediately effective.

WHEREAS, the City Council finds it necessary to modify regulations for adult cabaret businesses to clarify the definition of sexual conduct and thereby increase the enforceability of this chapter, and to conform it to constitutional constraints; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 5. Ordinance No. 4602 Section 6, Ordinance No. 4692, Section 6, Ordinance No. 4695, Section 1, are hereby amended to read as follows:

These exemptions shall not apply to the sexual conduct defined in Subsection 5.08.010(N) of this Chapter, or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

Section 2. The City Council finds that a public emergency exists, and that this ordinance is a public emergency ordinance necessary for the protection of the public health, safety, and peace, and should therefore take effect upon adoption. The facts upon which such determination of emergency is based are:

1. The existing provisions of Bellevue City Code Section 5.08.070(F) provide that the "dramatic works" exemption shall not apply to sexual conduct, including simulated sexual conduct. That section was not intended to prohibit the simulation of sexual acts which are part of nonobscene protected expression. If it were so construed it would be unconstitutional under the holding of the United States Supreme Court in Miller v. California, 413 U.S. 15, 37 L.Ed.2d 419, 93 S.Ct. 2607 (1973) and the Washington Supreme Court in O'Day v. King Cy, 109 Wn.2d 796, 749 P.2d 142 (1988). To avoid such a construction it is necessary to clarify that nonobscene expression involving simulated sexual conduct is not prohibited by that section.

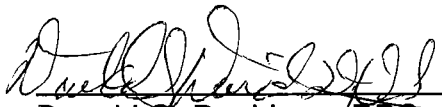
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Section 3. In accordance with RCW 35A.13.090 this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption.

PASSED by a unanimous vote of the entire membership of the City Council this 6th day of March, 1995, and signed in authentication of its passage this 6th day of March, 1995.

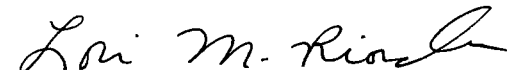
(SEAL)



Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Lori M. Riordan, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 10, 1995

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4746

AN ORDINANCE providing for parking restrictions on both sides of N.E. 24th Street from Northup Way to 140th Avenue N.E.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Parking of vehicles on both sides of N.E. 24th Street from Northup Way to 140th Avenue N.E. shall be restricted as follows:

"No Parking Anytime"

Section 2. The parking restriction established by this ordinance shall be filed with and maintained by the City Clerk in accordance with Section 11.23.010 of the Bellevue City Code.

Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 27th day of March, 1995, and signed in authentication of its passage this 27th day of March, 1995.

(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Patrice C. Cole, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published March 31, 1995