

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5229

AN ORDINANCE adding a new section to Bellevue City Code Chapter 10A.88 relating to the regulation of lewd acts.

WHEREAS, the Bellevue District Court has declared that Bellevue City Code Chapter 10.88.030 potentially prohibits speech protected by the First Amendment to the United States Constitution and is therefore unconstitutionally over broad; and

WHEREAS, the Bellevue City Council wishes to protect its citizens from lewd acts but not to infringe upon the free speech rights of its citizens; now, therefore,

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

Section 1. A new section is hereby added to Bellevue City Code Chapter 10A.88 which shall read as follows:

**10A.88.035—Limitations.**

A. Chapter 10A.88 shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works which are not obscene;
2. Classes, seminars, and lectures held for serious scientific or educational purposes;
3. Exhibitions or dances which are not obscene.

B. Whether or not the conduct is obscene shall be judged by consideration of the following factors:

Whether the average person, applying the contemporary community standards would find:

1. That the activity appeals to a prurient interest in sex; and
2. The conduct depicts or describes in a patently offensive way conduct as defined in Section 10A.88.010B; and
3. The conduct taken as a whole lacks serious literary, artistic, political or scientific value.

Section 2. This Ordinance shall take force and be in effect thirty days after its passage and legal publication.

Passed by the City Council this 26th day of June, 2000, and signed in authentication of its passage this 26th day of June, 2000.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:  
Richard L. Andrews, City Attorney  
Lori M. Riordan, Assistant City Attorney

Attest:  
Myrna L. Basich, City Clerk

Published June 30, 2000