

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5230

AN ORDINANCE amending Ordinance No. 3516, Section 23, and Bellevue City Code Section 10A.84.090; amending the elements of the crime of telephone harassment.

WHEREAS, the Washington State Supreme Court has declared that Bellevue City Code Section 10A.84.090(A)(1) infringes on speech protected by the United States Constitution, and that Bellevue City Code Section 10A.84.090(A) (4) infringes on due process rights protected by the United States Constitution because it is too vague, and

WHEREAS, the City Council wishes to protect its citizens from harassment without infringing on the constitutional rights of citizens; now, therefore,

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

Section 1. Ordinance No. 3516, Section 23, and Bellevue City Code Section 10A.84.090 are hereby amended as follows:

**10A.84.090 Telephone harassment.**

Telephone harassment shall be as follows:

- A. Every person who, with intent to disturb, embarrass, harass, intimidate, threaten or torment any other person, shall make a telephone call to such other person:
1. Using any lewd, lascivious, vulgar, coarse, indecent or obscene words or language, or suggesting any lewd or lascivious act; or
  2. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or
  3. Threatening to inflict injury on the person or property of the person called or any member of his family.

B. The foregoing offense shall be deemed committed either at the place where the telephone call or calls were made or at the place where the telephone call or calls were received.

C. Telephone harassment is a misdemeanor.

Section 2. This Ordinance shall take force and be in effect thirty days after passage by the City Council.

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

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