

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 405

An ordinance declaring a moratorium upon issuance of approvals and permits for the establishment, expansion or relocation of adult entertainment businesses for a period of One Hundred Eighty (180) days from the effective date thereof and declaring an emergency.

Multnomah County ordains as follows:

SECTION I. Findings and Purpose.

1. The Board finds that it previously enacted an ordinance to regulate the establishment and maintenance of adult entertainment businesses within the unincorporated areas of Multnomah County, which was declared invalid by decision of the Oregon Land Use Board of Appeals (LUBA) by decision of October 14, 1983.

2. The Board intends to enact further legislation addressing the siting not only of those adult entertainment businesses regulated by the invalidated ordinance, but expanding the land uses to include additional such businesses.

3. Pending preparation, review, hearings and recommendations to this Board concerning any such further legislation, it is the Board's intent that no additional adult entertainment businesses, as defined herein, be authorized and approved by staff of the County's land use, sanitation and building departments for a period of ninety days following the effective date of this Ordinance.

4. The Board believes that, in light of the hearings, testimony and evidence adduced in relation to enactment of the earlier ordinance and the LUBA decision thereon, it is possible to constitutionally regulate such businesses for the express purpose of preserving the livability of residentially-zoned communities and to reduce the blighting influence adult entertainment businesses inflict, and yet to give due consideration to constitutionally protected expression enjoyed to a recognized degree by those who purvey and those who seek such adult communication.

SECTION II. Definitions.

1. "Adult entertainment business" includes commercial premises which only admit patrons over age 17 for the purpose of witnessing live or recorded, specified human sexual conduct, or which offer for sale thereon such books, magazines or other publications and paraphernalia, films or video tapes which are characterized or distinguished by emphasis on matters depicting specified sexual activities.

2. "Specified sexual activities" means real or simulated acts of human sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exposure to the view of another of human sexual genitals, the pubic region, buttocks, or one or both female breasts below a point immediately above the top of the areola and discernably erect male genitalia whether or not completely and opaquely covered.

SECTION III. Prohibition.

1. For a period of ninety days from the effective date of this Ordinance, there shall issue no approvals nor permits associated with the establishment, expansion or relocation within Multnomah County of any adult entertainment business.

2. Any applications for approvals or permits to establish, expand or relocate any adult entertainment business pending before staff of the County upon the effective date of this Ordinance shall be stayed for the duration of the moratorium.

SECTION IV. Emergency Declared.

The Board finds and declares that an emergency exists because of the likelihood that land uses involving adult entertainment may be introduced in the County pending reenactment of legislation designed to regulate the siting of such land uses and the consequence of which may be to impose blighting conditions upon areas otherwise entitled to protection therefrom and which blighting may be irreversible but for a moratorium

upon introduction thereof; accordingly, this Ordinance shall become effective upon passage and authentication by the County Executive, pursuant to section 5.30(3) of the Home Rule Charter.

ADOPTED this 8th day of December, 1983, upon passage following its initial reading.

(SEAL)

BOARD OF COUNTY COMMISSIONERS

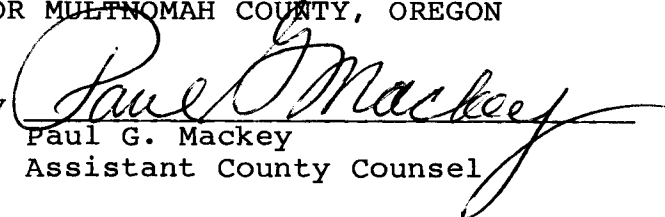
By 
Presiding Officer

AUTHENTICATED this 9th day of December, 1983_.

By 
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Paul G. Mackey
Assistant County Counsel