Legislation Details

File #:	Ord.0017-17	**Version:** A	**Name:**	Ordinance 17-17 - Prohibiting Bullying and Harassment - An ordinance to amend Chapter 66, Article II, of the Municipal Code of the City of Racine, Wisconsin
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Title:	Ordinance 17-17 - Prohibiting Bullying and Harassment - An ordinance to amend Chapter 66, Article II, of the Municipal Code of the City of Racine, Wisconsin			

WHEREAS, bullying and harassment disrupt a safe environment in the city; interfere with one's ability to succeed or excel in a safe environment in the city and interfere with one's ability to participate and benefit from programs, activities, worksites, and opportunities offer to the community; and

WHEREAS, the Common Council finds it is in the public interest to assure that every person is valued and respected regardless of perceived differences, and may live free from bullying, harassment and intimidation

NOW, THEREFORE, the Common Council of the City of Racine, Racine County, Wisconsin, does ordain as follows:

Part 1: Create Sec. 66-35. - Unlawful use of computerized communication systems, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, message means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, or any transfer of a computer program, as defined in Wis. Stat. sec. 943.70(1)(c).

(2) No person shall:

(a) With intent to frighten, intimidate, threaten, abuse, or harass another person, send a message to the person on an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, abuse, or harass another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(c) With intent to frighten, intimidate, threaten, or abuse another person, send a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(d) With intent to frighten, intimidate, threaten, or abuse another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd, or profane, language or suggests any lewd or lascivious act.

(e) With intent to frighten, intimidate, threaten, or abuse another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to frighten, intimidate, threaten, or abuse another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) With intent to harass, annoy, or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(h) With intent to harass, annoy, or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(i) With intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.

(j) With intent solely to harass another person, sends repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(k) With intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(l) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(m) Knowingly permit or direct another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

Part 2: Create Sec. 66-36. - Harassment, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(2) No person, with intent to harass or intimidate another person, shall:

(a) Strike, shove, kick, or otherwise subject the person to physical contact or attempts or threatens to do the same.

(b) Engage in a course of conduct or repeatedly commits acts that harass or intimidate the person and which serve no legitimate purpose.

Part 3: Create Sec. 66-37. - Bullying, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Bullying is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander, threaten or intimidate another person and which serves no legitimate purpose.

Course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

Harassment is any conduct, whether verbal, physical, written, or by means of any mode of communication, which is prohibited by section 66-31, 66-32, 66-33, 66-34, 66-35, or 66-36 of the City of Racine Code of Ordinances, or is any intentional course of conduct that is likely to create an intimidating, hostile, or offensive environment, and that serves no legitimate purpose.

(2) No person shall engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.

(3) No person shall retaliate against any person who reports any conduct that is prohibited by this section.

(4) No custodial parent or guardian of any unemancipated person under eighteen years of age to allow or permit such unemancipated person to violate the provisions of this section. The fact that prior to the present offenses a parent, guardian, or custodian was informed in writing by a law enforcement officer of a separate violation this section by the same minor occurring within ninety days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian, or custodian allowed or permitted the present violation.

(5) This section shall not be construed to apply to any constitutionally protected activity or speech.

Part 4: Create Sec. 66-38. - Penalty for violation, of the Municipal Code of the City of Racine, Wisconsin as follows:

Any person convicted of a violation of this article shall forfeit an amount as provided in section 1-15.

Part 5: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors: Jeff Coe

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/12/2017	A	Public Safety and Licensing Committee	Recommended For Approval	