

BY AUTHORITY

ORDINANCE NO. **4228**

COUNCILLOR'S BILL NO. **56**

SERIES OF 2023

INTRODUCED BY COUNCILLORS
DeMott, Emmons

A BILL
FOR AN ORDINANCE AMENDING CHAPTER 2 OF TITLE VI OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING HARASSMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-2-2, W.M.C., is hereby AMENDED as follows:

6-2-2. – Harassment.

(A) It shall be unlawful to commit harassment. A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

- (1) Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact; or
- (2) In a public place, directs obscene language or makes an obscene gesture to, or at, another person; or
- (3) Follows a person in or about a public place; or
- (4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion or proposal by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium that is obscene; or
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
- (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
- (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.

(B) ~~It shall be unlawful for any person to commit harassment by stalking. A person commits harassment by stalking if, directly or indirectly through another person, such person knowingly:-~~

- ~~(1) Makes a credible threat to another person and, in connection with such threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or had a continuing relationship; or~~
- ~~(2) Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, or a member of that person's immediate family, or someone with whom that person has or had a continuing relationship, whether or not a conversation ensues; or~~
- ~~(3) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause~~

~~that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph, a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.~~

(CB) Definitions: The following words, terms and phrases, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

~~Credible threat shall mean a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.~~

~~Immediate family shall include the person's spouse and the person's parents, grandparents, siblings, or child.~~

~~In connection with shall mean acts that further, advance, promote, or have a continuity of purpose, and may occur before, during or after the credible threat.~~

Obscene shall mean a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including, but not limited to, masturbation, cunnilingus, fellatio, analingus or excretory functions.

Repeatedly shall mean on more than one occasion.

(DC) Any act prohibited by subsections (A)(4), (A)(5) and (A)(6) of this section may be deemed to have occurred, or to have been committed at the place at which the communication was either made or received.

(ED) Harassment is a criminal offense, punishable by a fine or imprisonment or both, as provided in Section 1-8-1, W.M.C.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 23rd day of October, 2023.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 13th day of November, 2023.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office