

## TITLE V PUBLIC ORDER, SAFETY, AND HEALTH

### CHAPTER 9 ASSAULT, HARASSMENT, & STALKING PROHIBITED

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**5-9-1      SHORT TITLE.** This ordinance shall be known and may be cited and referred to as the "Assault, Harassment, & Stalking Ordinance" to the same effect as if full title was stated.

**5-9-2      ASSAULT DEFINED.** A person commits an assault when, without justification, the person does any of the following:

1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
2. Any act, which is intended to place another in fear of immediate physical contact, which will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act.
3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

Provided that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, the act shall not be an assault.

Provided that where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonable necessary to restore order and to protect the safety of those assembled.

**5-9-3      HARASSMENT DEFINED.**

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person the person does any of the following:
  - a. Communicates with another by telephone, telegraph, writing, or via electronic

communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

b. Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

c. Orders merchandise or services in the name of another, or to be delivered to another, without the person's knowledge or consent.

d. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrences of a criminal act, knowing that the act did not occur.

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate, or alarm that other person. As used in this section unless the context otherwise requires "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.\

#### 5-9-4 STALKING DEFINED.

1. As used in this section, unless the context otherwise requires:

a. "Accompanying offense" means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.

b. "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or towards a person.

c. "Immediate family member" means a spouse, parent, child, sibling, or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.

d. "Repeatedly" means on two or more occasions.

2. A person commits stalking when all of the following occur:\

a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person's immediate family.

b. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct.

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c. The person's course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person's immediate family.

5-9-5 PENALTIES FOR VIOLATION. A person who commits assault, harassment, or stalking as defined in this chapter shall be guilty of a simple misdemeanor punishable by 30 days in jail and/or a fine of at least \$200.00 but not more than \$500.00.

5-9-6 SEVERABILITY. Should any section, sentence, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or the remaining portions of the ordinance.