

1 blood relationship through a child, persons who have or have had a dating or engagement
2 relationship, and persons with disabilities and their personal assistants.

3 D. "Harass" means to engage in a course of conduct that serves no legitimate purpose and
4 would cause a reasonable person to suffer substantial emotional distress, and shall
5 actually cause substantial emotional distress, or, when the course of conduct consists of
6 contact by a person over age eighteen with a person under the age of eighteen that would
7 cause a reasonable parent to fear for the well-being of their minor child who is the target
8 of the contact.

9 **SECTION TWO.** The offense of cyber-harassment

10 A. A person commits the offense of cyber-harassment if he or she, with intent to
11 harass, alarm, annoy, abuse, threaten, intimidate, torment or embarrass any other person,
12 transmits or causes the transmission of an electronic communication, or knowingly
13 permits an electronic communication to be transmitted from an electronic communication
14 device under the person's control to such other person or a third party:

- 15 1. using any lewd, lascivious, indecent or obscene words, images or
16 language, or suggesting the commission of any lewd or lascivious act;
- 17 2. anonymously or repeatedly whether or not conversation occurs; or
- 18 3. threatening to inflict injury on the person or property of the person
19 communicated with or any member of his or her family or household member.

20 B. No person shall make or cause to be made an electronic communication, or permit
21 an electronic communication to be made from a electronic communications device under
22 the person's control, with the intent to harass, alarm, annoy, abuse, threaten, intimidate,

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1 torment or embarrass any other person either by the direct action of the person initiating
2 the communication or through the actions of a third party, which third party actions are
3 instigated, initiated, prompted or brought about by the person's communication.

4 C. Any offense committed under this Section may be deemed to have been
5 committed either at the place from which the communication was made or at the place
6 where the communication was received.

7 **SECTION THREE.** Penalty for violation.

8 Any person who violates the provisions of this chapter shall be subject to of a fine of not
9 less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or a
10 term of imprisonment not more than ninety (90) days or both a fine and term of
11 imprisonment.

12 **SECTION FOUR.** Severability

13 If any provision, clause, sentence, paragraph or word of this ordinance or the application
14 thereof to any person, entity or circumstances shall be held invalid, such invalidity shall
15 not affect the other provisions of this ordinance which can be given effect without the
16 invalid provisions or application, and to this end the provisions of this ordinance are
17 declared severable.

18 **SECTION FIVE.** This Ordinance, being deemed necessary for the immediate
19 preservation of public health, safety and welfare, is hereby declared to be an emergency
20 measure and shall become effective immediately upon its approval by the Mayor.

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