

COPY

MITCHELL COUNTY
ORDINANCE NO. 22
EFFECTIVE 2/20/02
AN ORDINANCE PROHIBITING ASSAULT, HARASSMENT & STALKING

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA:

Purpose: It is the purpose and intent of the Board of Supervisors to protect the citizens of Mitchell County from assault, harassment and stalking.

SHORT TITLE & DEFINITIONS

22.1.01 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.

22.1.02 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 reasonably necessary to restore order and to protect the safety of those assembled.

22.1.03 Harassment.

1. a. A person commits harassment when, with intent to intimidate, annoy, or alarm another

person, the person does any of the following:

(1) 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.

(2) 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.

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

(4) 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 occurrence of a criminal act, knowing the act did not occur.

b. 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.

22.1.04 Stalking.

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 toward 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.

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.

VALIDITY

22.3.01 Validity. 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 this Ordinance as a whole or the remaining portions of this Ordinance.

PENALTIES

22.4.01 Penalties. Any person, firm, corporation, partnership or any legal entity who violates this ordinance shall, upon conviction, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty days in lieu of a fine or in addition to a fine.

ENACTMENT AND EFFECTIVE DATE

This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Passed this _____ day of _____, 2001.

Chairman, Mitchell County Board of Supervisors

ATTEST:

Lowell Tesch, Mitchell County Auditor

NOTICE OF PUBLIC HEARING

The Mitchell County Board of Supervisors will hold a public hearing at _____ .M. on _____, _____, 2001, in the Board of Supervisor's room at the Courthouse in Osage, Iowa. The purpose of this hearing is to consider Mitchell County Ordinance No. _____, an Ordinance Prohibiting Assault, Harassment and Stalking in Mitchell County, Iowa. This ordinance will prohibit assault, harassment and stalking in Mitchell County. A copy of the proposed ordinance is available at the office of the Auditor for public inspection and copies may be obtained at the Auditor's office. Anyone wishing to speak in support or opposition of this ordinance should be present at this hearing.