



City Attorney

DATE: October 5, 2021

FROM: Janelle Combs, City Attorney

ITEM: Ordinance 6489 regarding Harassment ordinance changes

REQUEST:

Consider introduction and call for a public hearing on Ordinance 6489 to amend Bismarck Ordinance Section 6-03-03.

Please place this item on the October 12, 2021 City Commission meeting agenda.

BACKGROUND INFORMATION:

During the course of prosecuting cases for Harassment, the City Prosecutors have noticed a spelling error in the ordinance. This has apparently been in the text of the law since its codification in 1986. The change would insure that continued prosecution would not be subject to questions regarding the term.

RECOMMENDED CITY COMMISSION ACTION:

First reading and introduction of Ordinance 6489 and call for a public hearing.

STAFF CONTACT INFORMATION:

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CITY OF BISMARCK
ORDINANCE NO. 6489

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND SECTION 6-03-03 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO HARASSMENT

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. Section 6-03-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Harassment is hereby amended to read as follows:

6-03-03. Harassment. A person is guilty of an offense if, with intent to frighten or harass another, that person:

- 1. Makes a telephone call anonymously, or using offensively ~~course~~ coarse language or, using other electronic communication, communicates offensive material with no purpose of legitimate communication;

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*Reference: NDCC Sec. 12.1-17-07 (1985)
(Ord. 5032, 03-14-00; Ord. 6225, 08-09-16; Ord. 6392, 07-23-19)*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect after final passage, adoption and publication.