

ORDINANCE NO. 315

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BESSEMER BY ADDING THREE NEW SECTIONS TO CHAPTER 114 OF TITLE IX, WHICH SHALL BE DESIGNATED AS SECTIONS 9.116, 9.117 AND 9.118.

THE CITY OF BESSEMER HEREBY ORDAINS:

The Code of the City of Bessemer is hereby amended to add the following Sections to Chapter 114 of Title IX of the Bessemer City Code.

STALKING - DEFINITIONS, PENALTIES AND REBUTTABLE PRESUMPTIONS

9.116 Definitions. As used in this section:

- (a) "Course of conduct" means a pattern of conduct comprised of a series of two (2) or more separate noncontinuous acts, evidencing a continuity of purpose.
- (b) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require medical or other professional treatment or counseling.
- (c) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- (d) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- (e) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to any of the following:
 - 1. Following or appearing within the site of that individual.
 - 2. Approaching or confronting that individual in a public place or on private property.

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3. Appearing at that workplace or residence of that individual.
4. Entering onto or remaining on property owned, leased or occupied by that individual.
5. Contacting that individual by telephone.
6. Sending mail or electronic communications to that individual.
7. Placing an object on, or delivering an object to, property owned, leased or occupied by that individual.

(f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.


9.117 Penalties. An individual who engages in stalking is guilty of an ordinance violation punishable by a forfeiture of not more than \$500.00

9.118 Rebuttable Presumptions. In a prosecution for a violation of this ordinance, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

Adopted and approved by the Common Council for the City of Bessemer, Michigan, this 6th day of April, 1998.


VIVIAN COLEMAN MAYOR

ATTEST:


BRUCE CARLSON CLERK

Published in accordance with provisions of Section 6.4, entitled "Publication of Ordinances" of Chapter 6 of the Charter for the City of Bessemer, Michigan, on this 10th day of April, 1998.