

Bullying; Harassment Ordinance

A. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

1. *Bullying*.

Bullying is deliberate or intentional behavior (e.g., words or actions), intended to cause fear, intimidation, or harm. Bullying behavior may:

- a. be a single instance, have the potential to be repeated, or could be repeated behavior;
- b. involve an actual or perceived imbalance of power;
- c. be intended to control others;
- d. be motivated by an actual or perceived distinguishing characteristic (e.g., age, national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status);
- e. be physical (e.g. assault, hitting or punching, kicking, theft, threatening behavior);
- f. be verbal (e.g. threatening or intimidating language, teasing or name-calling, racist remarks); and/or
- g. be indirect (e.g. spreading cruel rumors, intimidation through gestures, social exclusion, and sending insulting messages or pictures by mobile phone or using the internet – also known as cyber bullying).

2. *Harassment*.

Any conduct, whether verbal, physical, written or by means of any mode of communication, which:

- a. Is prohibited by §§ 947.01, 947.012, 947.0125 or 947.013, Wis. Stats.; or
- b. Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.

Course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

B. Prohibitions.

1. It shall be a violation of this ordinance for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.
2. It shall be a violation of this ordinance for any person to retaliate or threaten to retaliate against another person for reporting an incident of bullying or harassment.

C. Constitutionally Protected Activity or Speech.

1. This ordinance shall not be construed to apply to any constitutionally protected activity or speech.

D. Penalties.

1. Any person who shall violate any provision of this ordinance shall be subject to penalties, for each offense, as follows:
 - a. Pay a forfeiture of not less than: \$50.00 for a first violation; and \$100.00 for a second and subsequent violations.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make restitution under § 800.093, Wis. Stats.
 - d. Make any other payment authorized by law.

E. Enforcement.

1. The use of a citation is hereby authorized for violations hereunder consistent with § 66.0113, Wis. Stats.
2. Citations authorized hereunder may be issued by Door County law enforcement officers.
3. The form of the citation shall be as prescribed in § 66.0113(1)(b), Wis. Stats.
4. The schedule of cash deposits required for the various ordinance violations, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. is attached hereto as *Appendix A*, and incorporated herein by reference
5. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made
6. The alleged violator's options and procedures on default are as set forth in § 66.0113(3), Wis. Stats.

F. Wisconsin Statutes.

1. Any reference to the Wisconsin Statutes herein refers to the Statute in effect as of the date this ordinance is enacted or as the Statute is subsequently revised or amended.

G. Severability.

1. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

H. Relationship to Other Laws / Non-Exclusivity:

1. The enactment of this ordinance shall not preclude the County of Door from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation, or entry of a judgment for payment of a forfeiture, under this ordinance shall not preclude the County of Door from proceeding under any other ordinance or law relating to the same or any other matter.
3. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this ordinance.
4. The penalties in this ordinance are in addition to any other liability imposed.

APPENDIX A
DEPOSIT SCHEDULE

ORDINANCE	OFFENSE	FORFEITURE	ASSESSMENTS FEES AND COSTS	DEPOSIT
Door County Bullying; Harassment Ordinance	First	\$50.00	\$150.50	\$200.50
	Second or Subsequent	\$100.00	\$163.50	\$263.50
<p>* As to the assessments, fees and costs, those prescribed under Ch. 814 Wis. Stats. <u>and / or</u> set forth in the most recent "Civil Forfeiture Table" in effect shall control.</p>				