

STATE OF WISCONSIN CITY OF SOUTH MILWAUKEE MILWAUKEE COUNTY
ORDINANCE NO. _____

AN ORDINANCE TO CREATE § 24.14 OF THE MUNICIPAL CODE PROHIBITING
BULLYING

WHEREAS, the Center for Disease Control and Prevention reports that more than one fifth of students in the United States grades 6-12 experience bullying;

WHEREAS, the Common Council of the City of South Milwaukee has determined that bullying and harassment disrupt the safe environment in the City; interfere with one's ability to succeed or excel in a safe environment in the City; and interfere with one's ability to participate in or benefit from the programs, activities, worksites and opportunities offered in this community;

WHEREAS, the Common Council of the City of South Milwaukee further finds that it is in the interest of the People of the City of South Milwaukee to take steps to encourage the idea that every person is valued and respected regardless of perceived or actual differences and that every person should enjoy life free from bullying, harassment and intimidation.

WHEREAS, The City has collaborated with the South Milwaukee School District to draft this ordinance and believes that it is necessary to protect the health and safety and general welfare of the Citizens of this community, and it is necessary that the regulations herein provided be enacted;

NOW THEREFORE, at a regular of the Common Council of the City of South Milwaukee, held on the _____ day of _____, 2018, a quorum of the members of the Common Council being present and a majority voting in favor thereof, the Common Council does hereby ordain as follows:

SECTION 1. Section 24.14 of the Municipal Code of Ordinances is hereby created to read as follows:

24.14 Bullying.

1. Definitions as used in this section:

"Bullying" means a form of harassment defined as an intentional course of conduct which, through verbal acts, physical acts, messages or any other form of communication, is reasonably likely to intimidate, emotionally abuse, slander or threaten another person and serves no legitimate purpose. Bullying also means

systematically or persistently inflicting physical hurt or psychological distress on one or more students. It is intentional written, spoken, nonverbal or physical behavior,

including but not limited to any threatening, insulting, or dehumanizing gesture or communication, including the spreading of rumors, that has the effect of doing any of the following: substantially interfering with any student's education, creating a threatening or fearful environment in a school setting for any student or group of students, or substantially disrupting the orderly operation of the school.

Bullying also includes the use of digital technologies, including but not limited to email, cell phones, text messages, instant messages, chat rooms and social websites.

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

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

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

"Hazing" is any intentional or reckless act which endangers the physical health or safety of a student, or is meant to induce pain or humiliation, or that results in property damage or theft and is directed against another student or students, for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, class, club or team sponsored or supported by a school or the District regardless of the students' willingness to participate.

"Message" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, or any transfer of a computer program, as defined in Wis. Stat § 943.70(1)(c).

2. Prohibited Conduct.

- a. No person shall:
 - i. Engage in bullying, hazing or harassment of a person;

- ii. Induce another person to engage in bullying, hazing or harassment;
- iii. Retaliate against any person who reports any conduct prohibited by this section.

b. Parental Responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under 18 years of age to allow or permit such person to violate the provisions of this section, subject to sub. (i).

- i. No custodial parent or legal guardian of any unemancipated person under 18 years of age shall be issued a citation under this section unless the custodial parent or guardian of any unemancipated person under 18 years of age has previously been notified in writing by a law enforcement officer that the same individual over which the parent or guardian has custody violated this section within 90 days prior to the issuance of a citation under this section.
- ii. Delivery of the written notice in sub. (i) of the prior violation shall constitute a rebuttable presumption that such parent or guardian allowed or permitted the present violation.

c. Constitutionality Protected Activity. This section shall not be construed to apply to any constitutional protected activity or speech.

3. Penalty.

- a. Any person violating this section shall forfeit not more than four hundred thirty-nine (\$439.00) dollars

SECTION 2. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Passed and Adopted by the Common Council of the City of South Milwaukee
_____, 2018.

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Erik Brooks, Mayor

James Shelenske, City Clerk

Date published: _____.