

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING SECTION 9.08.020, ANNOYING, OBSCENE OR THREATENING TELEPHONE CALLS, OF CHAPTER 9.08, OFFENSES AGAINST PUBLIC PEACE AND DECENCY, OF TITLE 9, PUBLIC PEACE AND WELFARE, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, MODIFYING THE ELEMENTS OF THE OFFENSE OF ANNOYING, OBSCENE OR THREATENING TELEPHONE CALLS."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Section 9.08.020, Annoying, Obscene or Threatening Telephone Calls, Chapter 9, Offenses Against Public Peace and Decency, of Title 9, Public Peace and Welfare, of the code of the City of Cheyenne, Wyoming, is hereby amended as set out in this ordinance.

Chapter 9.08 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY

9.08.020 — ~~Annoying~~ Harassing, obscene or threatening ~~telephone calls~~ communications.

- A. It is unlawful for any person by means or use of the telephone to disturb or tend to disturb the peace, quiet or right of privacy of any other person or family by repeated and continued anonymous or identified telephone messages intended to harass or disturb the person or family to whom the call is directed or by a single call or repeated calls; to use obscene, profane, indecent or offensive language or suggest any lewd or lascivious act over or through a telephone in this city; to attempt to extort money or other thing of value from any person or family by means of use of the telephone; to threaten any physical violence or harm to any person or family or to repeatedly and continuously ring the telephone of any person or family with intent to disturb or harass them; provided however, that the normal use of the telephone for the purpose of requesting payment of debts or obligations or for other legitimate business purposes shall not constitute a violation hereof. A person commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he or she by use of a telephone or other electronic device communicates with another person and uses obscene, lewd or profane language or suggests a lewd or lascivious act with intent to terrify, intimidate, threaten, harass, annoy or offend.
- B. A person commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if:
1. By repeated telephone calls or through repeated electronic communications, he or she disturbs the peace, quiet or privacy of persons where the calls or communications were received; or

2. He or she by use of a telephone or other electronic device communicates with a person and threatens to:

a. Inflict death to the person, to the person's immediate family or to anyone at the school in which the person is a student or employee; or

b. Inflict injury or physical harm to the person, to the person's immediate family or to property of the person.

C. A crime under this section is committed at the place where the calls or other electronic communications either originated or were received.

D. For purposes of this section, "immediate family" means a spouse, parent, sibling, child or other person living in the person's household.

Section 2. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 3. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)
ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
Wyoming Tribune-Eagle