

ORDINANCE NO. 494

AN ORDINANCE DEFINING THE OFFENSE OF HARASSMENT BY TELEPHONE AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVEN, KANSAS:

Section 1. DEFINITION: Harassment by telephone. (a) Harassment by telephone is use of telephone communication for any of the following purposes:

(1) Making or transmitting any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;

(2) making a telephone call, whether or not conversation ensues, or transmitting a telefacsimile communication with intent to abuse, threaten or harass any person at the called number;

(3) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;

(4) making repeated telephone calls, during which conversation ensues, or repeatedly transmitting a telefacsimile communication solely to harass any person at the called number;

(5) playing any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed, unless the person or group playing the recording shall be identified and state that it is a recording; or

(6) knowingly permitting any telephone or telefacsimile communication machine under one's control to be used for any of the purposes mentioned herein.

Section 2. NOTICE. (b) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this section. Such notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word, "WARNING."

Section 3. PENALTY. Harassment by telephone is a class A nonperson misdemeanor and upon conviction shall be punishable by confinement in the county jail not to exceed one year and/or a fine not to exceed \$2500.00.

Section 4. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED AND APPROVED THIS _____ day of _____, 1994.

Mayor

ATTEST:

City Clerk