

ORDINANCE 38 - 22

AN ORDINANCE PROHIBITING CYBERBULLYING
AND DECLARING AN EMERGENCY

WHEREAS, this Council recognizes that bullying has been a long-standing problem throughout the country; and

WHEREAS, in the many ways that bullying is done, perpetrators of cyberbullying are often more extreme in the threats and taunts they inflict on their victims than perpetrators of other forms of bullying; and

WHEREAS, perpetrators of cyberbullying do not actually see their victims' emotional reaction to the information that is sent out over the Internet because cyberbullying is often done anonymously; and

WHEREAS, cyberbullying follows its victims everywhere they go and can occur at any time of the day or night because cyberbullying is perpetrated online or through text or picture messages on cellular phones and other handheld devices; and

WHEREAS, technology has allowed this emotional violence to attack persons at any time, whether at home, work, or school; and

WHEREAS, this Council hereby finds that with the advent of technology, bullying has transformed into a broad societal problem; and

WHEREAS, this Council hereby finds that victims of cyberbullying suffer very real and serious harm as a result of these incidents and victims of cyberbullying often suffer from depression, anxiety, social isolation, nervousness when interacting with technology, and low self-esteem and in some cases, victims attempt to commit suicide or commit suicide in whole or in part because of the cyberbullying they have endured; and

WHEREAS, Home Rule Authority gives this Council the power to adopt and enforce local police, sanitary, and other similar regulations that are not in conflict with general laws for the protection, safety, health, and well-being of the inhabitants of the City; and

WHEREAS, this Council has an interest in providing options to law enforcement to effectively deal with persons who have engaged in cyberbullying; and

WHEREAS, the purpose of this Ordinance is to curtail or eliminate cyberbullying and to promote civility during Internet usage.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORT CLINTON, STATE OF OHIO:

Section 1. Definitions

(a) As used in this Chapter, the following terms shall have the meanings indicated:

(1) **Electronic Transmission or Electronically Transmits**

The transmission, dissemination, or posting of information via the use of a computer online service, Internet service provider, smartphone, tablet, wireless device or any other similar electronic means that is viewable by multiple persons through, at, by, on or in a local bulletin board service, an Internet chat room, a group electronic mail or text, a social media, networking or messaging site, a web page, a blog, a video-sharing site, an electronic messaging platform, or other similar types of electronic platforms.

(2) **Person**

Any natural person or individual.

Section 2. Prohibitions

(a) A person is guilty of cyberbullying when, with the intent to harass, abuse, or otherwise inflict emotional harm on another person, the actor electronically transmits, anonymously or otherwise:

1. Information about the person which has no legitimate communicative purpose and the actor knows or reasonably should know that the electronic transmission of the information will cause harm to the person's reputation or the person's relationships with family members, friends, peers, or employers; or
2. Private sexual information about the person; or
3. A photograph or a video, whether real or altered, that depicts any uncovered portion of the breasts, buttocks, or genitals of the person and said photograph or video has no legitimate communicative purpose; or
4. False sexual information about the person; or
5. Information that has no legitimate communicative purpose by appropriating the person's name, likeness, e-mail accounts, websites, or blogs for the purpose of harassing such person or other persons.

Section 3. Penalty

(a) Any minor violating the provisions of this Chapter shall be dealt with in accordance with juvenile court law and procedure. Any person violating the provisions of this Chapter is guilty of a minor misdemeanor.

Section 4. If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City and for the further reason that it is necessary to enact this Ordinance immediately to curtail or eliminate cyberbullying and to promote civility during Internet usage; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approve _____, 2022

Mayor