

CITY OF RIVERVIEW
ORDINANCE NO: _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 38-32 “IMPROPER USE OF TELECOMMUNICATIONS SERVICE” OF ARTICLE II “OFFENSES INVOLVING PERSONAL INJURY”, IN CHAPTER 38 “OFFENSES AND MISCELLANEOUS PROVISIONS” TO UPDATE THE PROVISIONS OF THE ORDINANCE

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Section 38-32 “Improper use of telecommunications service” under Chapter 38 “Offenses and Miscellaneous Provisions”, Article II, “Offenses Involving Personal Injury”, is hereby repealed and readopted to hereafter read as follows:

Chapter 38 Offenses and Miscellaneous Provisions
Article II Offenses Involving Personal Injury

Sec. 38-32. Improper use of telecommunications service.

(a) Any person is guilty of a misdemeanor who maliciously uses any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy any other person, or to disturb the peace and quiet of any other person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation.
- (2) Falsely and deliberately reporting by telephone, telecommunications device, or message, that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime, or of an accident.
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, or telecommunications device, thereby interfering with any communications service.
- (4) Using any vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a telephone or a telecommunications device conversation.
- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

- (6) Making an unsolicited commercial telephone call which is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subsection, the term "an unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person soliciting business or contributions.
- (7) Deliberately calling a telephone of another person in a repetitive manner which causes interruption in telephone service or prevents the person from utilizing his telephone service.
- (8) By communicating with a person, anonymously or otherwise, by telephone, email, Internet, social media, or any telecommunications device by voice, written, or electronic communication in a manner likely to harass, harm or cause alarm to a reasonable person.

(b) "Telecommunications device" means, but is not limited to, any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a telephone, cellular telephone, pager, computer, any personal communications device, receiver, radio or device that enables use of a modem or other advanced technology.

(c) An offense is committed under this section if the communication either originates or terminates or both originates and terminates in this city.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on _____, 2015 shall be given a second reading on _____, 2015, shall be adopted on _____, 2015 and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this _____, 2015.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on _____, 2015.

Cindy Hutchison, City Clerk