

**ORDINANCE NO \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF RALEIGH CODE OF ORDINANCES TO PROHIBIT HARASSMENT IN PUBLIC SPACES.**

WHEREAS, N.C. Gen. Stat. § 160A-174 grants the City the authority to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances consistent with the Constitution and laws of North Carolina and of the United States.

WHEREAS, N.C. Gen Stat. § 160A-296 grants the City the general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation.

WHEREAS, the City Council finds that ensuring that citizens have free and safe passage on City sidewalks and other public spaces is an important government purpose. Harassing conduct, which includes following a person or cornering a person for the purpose of intimidating that person has a direct impact on the quality of life of its citizens and creates risks to their security and safety, even in the absence of express threats of physical harm.

WHEREAS, current state laws do not protect individuals who are harassed in public spaces where such harassment is confined to a single occasion but is also dangerous or intimidating. N.C. Gen. Stat. § 160A-174 grants the City the authority to enact ordinances requiring a higher standard of conduct or condition than a State or Federal law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** A new section 13-2033 titled HARASSMENT IN PUBLIC SPACES PROHIBITED shall be created within the City Code to read:

(a) Definitions.

- (1) **Public space.** The term *public space* shall mean streets, sidewalks, alleys, and other public property, as well as *City*-owned and *City*-controlled property.
- (2) **Reasonable person.** The term *reasonable person* means a reasonable person in the same or similar circumstances.

(b) Offense.

- (1) It shall be unlawful for any person to harass another person in or about a *public space*. A person commits harassment in a *public space* if the person knowingly and intentionally and without lawful or legitimate purpose:
  - a. follows another person in or about a *public space* with the intent to threaten or intimidate another person, or in a manner that would place a *reasonable person* in fear for that person's safety; or
  - b. surrounds, crowds or corners another person or physically interferes with another person's movement through or in a *public space* with the intent to

threaten or intimidate another person, or in a manner that would place a *reasonable person* in fear for that person's safety.

- (2) A person acts knowingly and intentionally when the person continues the conduct described above after the person to whom the conduct is directed has made a negative verbal response or taken action that a *reasonable person* would understand as a negative response.
- (3) A violation of this section is a misdemeanor and may also be enforced through issuance of a civil penalty pursuant to §14-1005, through injunctive or other equitable relief, or a combination of remedies.

**Section 2.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 3.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** The provisions of this ordinance shall not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued prior to the effective date of this ordinance.

**Section 5.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in G.S. 14-4(a) or similar limitations.

**ADOPTED:**

**EFFECTIVE:**

**DISTRIBUTION:**