

ORDINANCE NO. 136

AN ORDINANCE OF THE TOWN OF INDIAN LAKE DEFINING OFFENSES AGAINST PUBLIC DECENCY AND DISORDERLY CONDUCT AND RELATED OFFENSES AS SET FORTH BY THE TEXAS PENAL CODE AND PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Indian Lake is in need of an Ordinance to provide protection for it's Employees, Mayor, and Council against offenses of public decency and disorderly conduct to maintain both the mental and physical health of it's Employees, Mayor, and Council.

NOW, THEREFORE, BE IT ORDINANED BY THE TOWN OF COUNCIL OF THE TOWN OF INDIAN LAKE:

SECTION 1: DISORDERLY CONDUCT:

A person commits an offense if he/she intentionally or knowingly:

1. Uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace.
2. Makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace.
3. Abuses or threatens a person in a public place in an obviously offensive manner.
4. Fights with another in a public place.
5. Displays a firearm or other deadly weapon in a public place in a manner calculated to alarm.
6. For a lewd or unlawful purpose: while on the premises of a public place, looks into an area such as a restroom, that is designed to provide privacy to a person using the area.
7. Creates an immediate danger or damage to property or injury to persons.
8. Substantially obstructs law enforcement of other governmental functions or service.
9. By force, threat of force, or physical action deprives any person of a legal right or disturbs any person in the enjoyment of a legal right.

SECTION 2: DEFENSE WHEN CONDUCT CONSIST OF SPEECH OR OTHER EXPRESSION.

The State of Texas and the State Penal Code criminalizes speaking words or phrases that would be interpreted as abusive, indecent, profane or vulgar in public places, if they would tend to incite an immediate "breach of the peace". The statute also criminalizes gestures or displays or offensive behavior that would incite a "breach of the peace".

If conduct Unreasonable Noise or Obstructing Passageway, consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the actor must be ordered to move, disperse, or otherwise remedy the violation prior to his/her arrest if he/she has not yet intentionally harmed the interests of others.

SECTION 3: DISRUPTING MEETING OR PROCESSION

A person commits an offense if, with intent to prevent or disrupt a lawful meeting, processions, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance. An offense under this section is a Class B misdemeanor.

SECTION 4: FALSE ALARM OR REPORT

A person commits an offense if he knowingly initiates, communicates or circulates report of a present, past, or future bombing, fire, offense, or other emergency that he/she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircrafts, automobile, or other mode of conveyance.

SECTION 5: HARASSMENT

A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

1. Initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
2. Threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
3. Conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is know by the conveyor to be false that another person has suffered death or serious bodily injury;
4. Causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
5. Makes a telephone call and intentionally fails to hang up or disengage the connection;
6. Knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
7. Sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
8. Publishes on an Internet Website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communication are made in connection with a matter of public concern.
9. Make obscene, intimidating, or threatening telephone calls or other electronic communication from a temporary or disposable telephone number provided by an Internet application or other technological means.

SECTION 6: STALKING

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other person, knowingly engages in conduct that:

1. Constitutes an offense or that the actor knows or reasonably should know the other person will regard as threatening:
 - a) Bodily injury or death for the other person; or
 - b) That an offense will be committed against:
 1. A member of the other person’s family or household;
 2. An individual with whom the other person has a dating relationship; or
 3. The other person’s property;
2. Causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship.

SECTION 7: VIOLATIONS, PENALTIES, SAVINGS CLAUSE

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

Violations and Penalties

A violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$250.00 or by a Civil Penalty not to exceed \$500.00 per each violation. Any recording of the violation either audio or video will be provided as proof of the offense to the police department and a citation will be issued for the violations of this ordinance.

PASSED AND APPROVED THIS 22th DAY OF FEBRUARY, 2024

ATTEST:

James Chambers, Mayor

Amy Gonzales, Town Secretary