

ORDINANCE NO: 12 -2020
INTRODUCED BY: LENTINE

AN ORDINANCE ENACTING NEW SECTION 335.14, "USE OF ELECTRONIC WIRELESS COMMUNICATIONS DEVICES WHILE DRIVING," OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the use of electronic wireless communications devices by motorists has increased in recent years and their use while driving a motor vehicle can create a risk of harm to the motorists using such devices and to other motorists and the general public;

WHEREAS, the national media is replete with instances of accidents either caused by or involving the operators of motorized vehicles using electronic wireless communications devices while driving that have led to personal injuries and property damage;

WHEREAS, this Council wishes to enact regulations regarding the use of electronic wireless communications devices while driving in the City to protect the public health, safety and general welfare of the City, its inhabitants and its visitors;

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. New Section 335.14, "Use of Electronic Wireless Communications Devices While Driving," of Part Three, "Traffic Code," of the Codified Ordinances of the City of Richmond Heights, Ohio is hereby enacted to read in its entirety as follows:

"335.14 USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

(a) Definitions. As used in this section:

(1) "Electronic wireless communications device" means a portable electronic device capable of transmitting and/or receiving data and includes the following: a wireless telephone; a text-messaging device; a personal digital assistant; and a computer, including a laptop computer and a computer tablet.

(2) "Text message" means a message sent or received via a process using wireless handsets. For the purposes of this section, an e-mail shall be considered a "text message."

(3) "Voice operated or hands-free device" means a device that allows the user to vocally compose or send, or listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(b) No person shall use an electronic wireless communications device in any manner while driving a motor vehicle in the City, including composing, sending or receiving text messages and using an electronic wireless communications device to dial, answer, talk, or listen unless such use is otherwise authorized in subsection (c).

(c) Notwithstanding the provisions of subsection (b) of this section, this section shall not apply when:

- (1) A driver is using an electronic wireless communications device to contact any law enforcement agency, police officers, emergency services personnel, emergency medical technicians, or fire safety officials to report an emergency situation; or
- (2) A driver is using an electronic wireless communications device inside a motor vehicle when such vehicle is parked, standing, or stopped and is removed from the flow of traffic, in accordance with applicable laws or rules, or is stopped due to the inoperability of such vehicle; or
- (3) A driver is using a voice-operated or hands-free device which allows the driver to maintain both hands on the vehicle's steering device while the vehicle is operating; or
- (4) Safety and public service personnel, employed by a governmental agency, are using electronic wireless communications devices in the course of their work.

(d) Nothing in this section affects or shall be construed to affect any of the provisions of Section 335.032 of the Traffic Code (ORC 4511.205) with respect to the use of electronic wireless communications devices while driving by temporary instruction permit holders under the age of eighteen years and probationary driver's license holders.

(e) Whoever violates any provision of this section is guilty of a minor misdemeanor; and anyone who commits a second or additional violation of any provision of this section is guilty of a misdemeanor of the fourth degree."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the City, its residents and visitors, so as to be able to immediately enforce new provisions of the Traffic Code regulating the use of electronic wireless communications devices while driving in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 10, 2020



David H. Roche

David H. Roche, Mayor

APPROVED: March 10, 2020

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council