

ORDINANCE NO.: 2015-03 (AS AMENDED)
INTRODUCED BY: MRS. LUTZ

3849

**AN ORDINANCE
AMENDING SECTION 333.09 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO
REGULATE THE USE OF ELECTRONIC WIRELESS
COMMUNICATION DEVICES WHEN OPERATING A
MOTOR VEHICLE.**

WHEREAS, the U.S. Department of Transportation reports that distracted driving is a safety concern; and

WHEREAS, distracted driving is any activity that can divert a person's attention away from the primary task of driving ; and

WHEREAS, cell phone usage and text messaging are common forms of distracted driving; and

WHEREAS, according to the U.S. Department of Transportation, text messaging "is by far the most alarming distraction" because it requires the visual, manual and cognitive attention of the driver; and

WHEREAS, the U.S. Department of Transportation reports that sending or receiving a text takes a driver's eyes from the road for an average of 4.6 seconds, the time it takes to travel the length of a football field at fifty-five (55) miles per hour; and

WHEREAS, the U.S. Department of Transportation also reports that a driver who engages in texting activities is twenty-three (23) times more likely to be involved in an automobile accident than a non-texting driver; and

WHEREAS, while the State of Ohio has passed legislation which limits texting while driving under certain circumstances, the Police Chief has recommended that this Council adopt further legislation prohibiting texting while driving and prohibiting certain other forms of electronic communication while driving; and

WHEREAS, this Council, based upon the recommendation of the Police Chief, desires to amend Section 333.09, regulating the use of wireless communications devices while driving.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That Section 333.09, Texting While Driving Prohibited, of the Codified Ordinances of the Village of Chagrin Falls, Ohio, be and the same hereby is amended to be entitled "Electronic Wireless Communications Device Regulations, which shall read and provide, in its entirety, as follows:

333.09 ELECTRONIC WIRELESS COMMUNICATIONS DEVICE REGULATIONS.

- (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 Village, 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;
 - (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;
 - (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."

SECTION 2. That existing Section 333.09, and any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

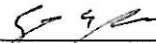
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SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: March 9, 2015



Council President

Submitted to the Mayor for
his approval on this

10 day of March, 2015


Approved by the Mayor

March 10, 2015



Mayor

I hereby certify that Ordinance No. 2015-03 was duly enacted on the 9 day of March, 2015, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council