

Ordinance No. 416- Use of Wireless Communications Device while Driving Prohibited (Texting & Driving)

SECTION 1: Use of wireless communications device while driving prohibited. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.

SECTION 2: Definitions.

- A. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
1. Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
 2. Inputting, selecting, or reading information on a global position system device or other navigation system device;
 3. Using a device capable of performing multiple functions, such as fleet management systems, dispatching systems, smartphones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
 4. Voice or other data transmitted as a result of making a telephone or cellular phone call; or
 5. Data transmitted automatically by a wireless communication device without direct initiation by an individual.
- B. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.

SECTION 3: This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in performance of official duties.

SECTION 4: Penalty. Any person violating this ordinance is guilty of a traffic infraction and is subject to a fine not to exceed twenty dollars (\$20.00).

SECTION 5: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 6: Effective Date of Ordinance. This ordinance is in force and takes effect from and after its passage and publication as provided by law.


Mae Murphy, Auditor


Scott Mitchell, Mayor

First Reading: November 18, 2015
Second/Final Reading: December 16, 2015
Publication: December 28, 2015