

**AMELIA VILLAGE, OHIO**  
**Ordinance: O-2013-11**

**AN ORDINANCE ADOPTING SECTION 72.69, TEXTING WHILE DRIVING, OF THE CODIFIED ORDINANCES OF AMELIA VILLAGE AND DECLARING AN EMERGENCY.**

**WHEREAS**, Amelia Village has an interest in protecting the health, safety and welfare of its citizens; and

**WHEREAS**, Statistics have demonstrated that texting or using a wireless handset to engage in other forms of communication while driving causes driver distraction; and

**WHEREAS**, The majority of car accidents are caused by distracted drivers; and

**WHEREAS**, Amelia Village desires to protect the rights and safety of all citizens using its roadways and sidewalks from distracted drivers; and

**WHEREAS**, the State legislature has amended the laws of the State of Ohio regarding texting while driving; and

**WHEREAS**, the Amelia Village Code should comply with the Ohio Revised Code in this regard, therefore, the Council of Amelia Village has determined it appropriate to amend provisions of the Amelia Municipal Code relating to texting while driving.

**NOW, THEREFORE**, be it ordained by the Amelia Village Council, as follows:

**SECTION I** Section 72.69, Texting While Driving, of the Amelia Code of Ordinances is hereby adopted and shall read as follows:

**§72.69 Use of Wireless Handsets to Text Message and Engage in Other Forms of Communication While Driving**

**A. Definitions:**

(1) "Electronic wireless communications device" includes any of the following:

- (a) A wireless telephone;
- (b) A text-messaging device;
- (c) A personal digital assistant;
- (d) A computer, including a laptop computer and a computer tablet;
- (e) Any other substantially similar wireless device that is designed or used to communicate text.

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

(3) "Write, send, or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.

**B.** No person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication in the Village.

**C.** Notwithstanding the provisions of division (B) of this section, this section shall not apply to any of the following:

- (1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
- (2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;
- (3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
- (4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;
- (5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;
- (6) A person receiving wireless messages via radio waves;
- (7) A person using a device for navigation purposes;
- (8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

D. Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

E. Penalty. Whoever violates this section is guilty of a minor misdemeanor.

**SECTION II.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of Amelia Village and its inhabitants. Specifically, it is necessary for the local ordinances to conform to the provisions of the Ohio Revised Code. Therefore, provided this ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

**SECTION III.** This Amelia Village Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

DERRICK CAMPBELL moved to suspend the rules requiring three readings on three separate dates.

CHRIS DICKERSON seconded the motion.

YEA   NAY

Derrick Campbell .....	<input checked="" type="checkbox"/>	_____
Chris Dickerson .....	<input checked="" type="checkbox"/>	_____
Susan Elliott .....	<input checked="" type="checkbox"/>	_____
Renee Gerber .....	<input checked="" type="checkbox"/>	_____
Katie Krafka .....	<input checked="" type="checkbox"/>	_____
Chuck Thacker .....	<input checked="" type="checkbox"/>	_____

RENEE GERBER moved for the adoption of the ordinance.

DERRICK CAMPBELL seconded the motion.

YEA   NAY

Derrick Campbell .....	<input checked="" type="checkbox"/>	_____
Chris Dickerson .....	<input checked="" type="checkbox"/>	_____
Susan Elliott .....	<input checked="" type="checkbox"/>	_____
Renee Gerber .....	<input checked="" type="checkbox"/>	_____
Katie Krafka .....	<input checked="" type="checkbox"/>	_____
Chuck Thacker .....	<input checked="" type="checkbox"/>	_____


DERRICK CAMPBELL moved for the adoption of the emergency clause.

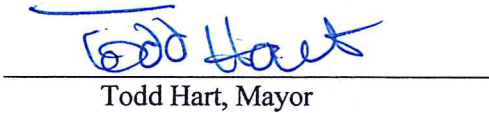
CHRIS DICKERSON seconded the motion.

YEA   NAY

Derrick Campbell .....	<input checked="" type="checkbox"/>	_____
Chris Dickerson .....	<input checked="" type="checkbox"/>	_____
Susan Elliott .....	<input checked="" type="checkbox"/>	_____
Renee Gerber .....	<input checked="" type="checkbox"/>	_____
Katie Krafka .....	<input checked="" type="checkbox"/>	_____
Chuck Thacker .....	<input checked="" type="checkbox"/>	_____

Adopted February 26, 2012.

  
Kevin Pyle, Village Fiscal Officer

  
Todd Hart, Mayor

