

ORDINANCE 27 - 16

By: Richard Sharp

AN ORDINANCE TO REVISE SECTION 432.38 OF THE BEXLEY CITY CODE TO ADD SUB-PARAGRAPH C PROHIBITING THE USE OF HAND-HELD, PERSONAL COMMUNICATION DEVICES WHILE OPERATING A VEHICLE IN THE CITY OF BEXLEY, OHIO.

WHEREAS, numerous studies have determined that it is unsafe to operate a vehicle while distracted with a hand-held, personal communication device; and

WHEREAS, any use of a hand-held, personal communication device while driving is seen as a hazard to the driver, passengers, and others on the road; and

WHEREAS, ceasing all hand-held, personal communication devices is more manageable to enforce than ceasing text messaging only; and

WHEREAS, the City of Bexley, Ohio has the duty to promote the safety and well being of its residents and visitors to the city; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Bexley City Code 432.38 c shall be amended as follows:

- a. No person shall operate a motor vehicle while using a hand-held, personal communication device in the City of Bexley, Ohio unless such use is otherwise authorized in subsection (b). For the purpose of this section, "hand-held, personal communication device" is defined as a portable electronic device capable of transmitting and/or receiving data and includes any of the following components: wireless telephone; internet-connected device; text-messaging device; computer.
- b. Notwithstanding the provisions of subsection (a) of this section, this section shall not apply when/to:
 1. A driver is using a hand-held, personal communication device inside a motor vehicle when such vehicle is parked, standing, or stopped and is removed from the flow of traffic; or

2. 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
3. The operator of an emergency vehicle, or to any person reporting a health or safety emergency.

Section 2.

That this Ordinance shall go into effect, and be in force from and after the earliest period allowed by law.

Passed: _____, 2016

Tim Madison, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2016

Ben Kessler, Mayor

First Reading: 8-9-16