**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, Ohiohas 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

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Tim Madison, President of Council

Attest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 William Harvey, Clerk of Council

 Approved:\_\_\_\_\_\_\_\_\_\_\_, 2016

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 Ben Kessler, Mayor

First Reading: 8-9-16