

ORDINANCE 58 - 21

By: Jen Robinson

An Ordinance to revise Section 432.38 of the Bexley City Code to restore regulations relating to weaving and full time and attention while operating a motor vehicle or motorcycle that were inadvertently overwritten by Ordinance 27-16

WHEREAS, Ordinance 27-16 created regulations relating to the operation of hand-held, personal communication devices while driving; and

WHEREAS, In the passage of Ordinance 27-16, sections of 432.38 relating to weaving and full time and attention while operating a motor vehicle or motorcycle were inadvertently eliminated; and

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

Section 1.

That Bexley City Code 432.38 shall be amended as follows:

- a. **No person shall operate a motor vehicle or motorcycle upon any street or highway in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.**
- b. **No person shall operate a motor vehicle or motorcycle without giving their full time and attention to the operation of such vehicle.**
- c. 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.
- d. 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 one-touch activation and otherwise 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.

Penalty - see Sections 408.01 and 408.02

Section 2.

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

Passed: Dec 14, 2021



President of Council

Attest: 

William Harvey, Clerk of Council

Approved: Dec 14, 2021



Ben Kessler, Mayor

First Reading: December 7, 2021

Second Reading: December 14, 2021

Third Reading: Suspended by Vote – passed 12/14/21