

July 15, 2010
O-10-07A
Sponsor: Mr. Donahue

ORDINANCE NO. 30-10

AN ORDINANCE TO AMEND CHAPTER 331 OF THE CODIFIED ORDINANCES OF CANAL WINCHESTER, OHIO TO CREATE SECTION 331.45 PROHIBITING "SENDING, READING OR WRITING A TEXT MESSAGE OR ACCESSING THE INTERNET WHILE DRIVING

WHEREAS, texting while driving has been shown to be a distraction which greatly increases the risk of accidents, especially to younger drivers; and,

WHEREAS, the Council for the Village of Canal Winchester, as a charter community of the State of Ohio, has full authority to ensure safety of the traveling public; and,

WHEREAS, Council identifies the need to improve roadway safety for all vehicle operators, passengers, bicyclists, pedestrians, and other roadway users by prohibiting texting while driving;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:

Section 1: That Section 331.45 of the Codified Ordinances shall be enacted to read as follows:

331.45 Sending, Reading or Writing a Text Message or Accessing the Internet While Driving.

(a) As used in this Section:

(1) "Text message" means any message sent, stored or received via mobile communication device. For the purpose of this Section an email message shall be considered a text message.

(2) "Mobile Communication Device" means any portable electronic device capable of transmitting or receiving data in the form of a text message or capable of accessing the internet including but not limited to a wireless telephone, a text-messaging device, a personal digital assistant, or a personal computer, but specifically excluding portable internet based vehicle navigation systems being used for that purpose.

(3) "Emergency Vehicles" and "Public Safety Vehicles" shall have the same meaning as set forth in Ohio Rev. Code Section 4511.01 (D) and (E).

(b) No person shall operate a motor vehicle while using a mobile communication device to:

(1) Manually enter letters, numbers or text messages or read any received emails or text messages transmitted to or stored within such device; or

(2) Send, read, create, or interact with internet-based content, play games or otherwise interact with the internet.

(c) This provision shall not apply to any of the following:

(1) Operators of emergency or public safety vehicles where the operator of a public safety device uses such device in the course of the operator's official duties;

(2) Any person reporting a health or safety emergency;

(3) Drivers parked, standing or stopped or removed from the flow of traffic, or stopped due to inoperable vehicle;

(4) A person reading, selecting or entering a name or telephone number in an electronic wireless communication device for the purpose of making or receiving a telephone call;

(5) A person operating a commercial truck while using a mobile data terminal that transmits and receives data in the course of the person's official duties;

(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 subsection (b) hereof 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) Whoever violates this section shall be guilty of a minor misdemeanor.

Section 2: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

DATE PASSED: August 16, 2010

Marilyn Rush-Ekelberry
PRESIDENT OF COUNCIL

ATTEST Hansel K Osborn
CLERK OF COUNCIL

Michael East
MAYOR

DATE APPROVED 8-18-10

APPROVED AS TO FORM:

Erin J. Hall
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Hansel K Osborn
Clerk of Council/Finance Director