

CITY COUNCIL OF ERIE

INTRODUCED BY: Joseph Schember

COUNCIL FILE NO. 15,704 OFFICIAL ORDINANCE NO. 8-2010

AN ORDINANCE

Amending Official Ordinance No. 72-2009
Prohibition of Driving with Hand-Held Mobile
Phones, by making violations secondary to another
Violation of motor vehicle law.

WHEREAS, Council File Ordinance 15,696 became Official File Ordinance No. 62 of 2009 on December 16, 2009, establishing within the General Offenses Code of the Codified Ordinances a new Article 739, Prohibition of Driving with Hand-Held Mobile Phones, the violation of which is a summary offense, and

WHEREAS, concerns were subsequently raised by Public Safety personnel regarding the applicability and proper enforcement of said ordinance, and

WHEREAS, Council by resolution dated January 6, 2010 authorized and directed the Solicitor to and prepare an amendment regarding the use of such hand-held devices by public safety personnel

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

Section 1. That Article 739 of the General Offenses Code (Prohibition of Driving With Hand-Held Mobile Phones) Section 2 (Prohibited Conduct) shall be amended by the addition of Subsection (d) to read as follows:

“No person shall be convicted of a violation of this Ordinance unless the person is also convicted of a violation of law involving a moving vehicle committed at the same time as the use of a hand-held mobile phone.”

Section 2. That all ordinances and parts thereof in conflict herewith are hereby repealed.

Section 3. That this ordinance shall be effective 20 days after passage and signing by the Mayor.

We do hereby certify that the above ordinance was finally passed by the City Council on March 3, 2010.

SIGNED: March 3, 2010

Attest: March 3, 2010

James Klemm

City Clerk

James N. Thompson

President of Council

THIS ORDINANCE APPROVED THIS 3rd DAY OF March, 2010.

s/ Joseph Sinnott
Mayor