

CITY COUNCIL OF ERIE

INTRODUCED BY: RUBY JENKINS-HUSBAND

COUNCIL FILE NO. 15,696 OFFICIAL ORDINANCE NO. 72-2009

AN ORDINANCE

Amending the General Offenses Code of the City of Erie, Part 7, by adding a new Article 739 Prohibition of Driving with Hand-Held Mobile Phones, and providing Penalties for violations thereof

WHEREAS, Erie City Council by resolution dated November 18, 2009, requested that the Solicitor draft an ordinance to ban the use of hand-held cell phones while driving in the City of Erie,

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

Section 1. That Part 7 of the Codified Ordinances, General Offenses, be amended by the addition of a new Article 739, Prohibition of Driving With Hand-Held Mobile Phones to read as follows:

1. Legislative Findings and Purpose.

Erie City Council finds that the use of mobile telephones while driving motor vehicles has been a factor in many traffic accidents nationwide; resulting in loss of lives, injuries and property damage, and a prohibition of the use of such devices, other than in a hands-free mode, is in the best interests of the safety the people of the City of Erie, and persons driving on the streets and highways within the City.

2. Prohibited Conduct

No person shall use a mobile telephone or wireless communication device in any way, including for voice communication, messaging, emailing, or internet activity while operating a motor vehicle, bicycle or other vehicle on any street, road or highway within the City of Erie, with the exception of:

- (a) Persons using such a device entirely in a hands-free mode for voice communication, including dialing without the use of either hand.
- (b) Persons using a mobile telephone to call "911" for emergency assistance, or to report a traffic accident or unsafe driving by another motorist, although effort should be made to exit moving traffic before calling if such can be done promptly and safely under the circumstances.
- (c) Persons using a mobile telephone or wireless communication device while maintaining a motor vehicle in a stationary position in a parking lane or space out of moving traffic lanes, and not in gear.

3. Penalties

Any person convicted of violating this article shall be guilty of a Summary Offense, and shall be subject to a fine of not less than \$150.00 nor more than \$300.00.

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 That all ordinances and parts thereof in conflict herewith are hereby repealed.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 December 16, 2009.

Signed December 16, 2009

Attest: December 16, 2009

Joseph Schember
President of Council

James Klemm
City Clerk

THIS ORDINANCE APPROVED THIS 16th DAY OF December, 2009

Joseph Sinnott
Mayor