

AN ORDINANCE ADOPTING §432.44, TRAFFIC CODE, OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK

WHEREAS, the Village of Minerva Park considers the safety of its citizens and guests traveling through the Village of paramount importance and wishes to improve roadway safety for all vehicle operators, passengers, bicyclists, pedestrians, and other road users; and

WHEREAS, the increased use of wireless or personal communication devices on public is on the rise and has been found to contribute to injuries, death, and/or property damage; and

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. The Council of the Village of Minerva Park hereby adopts Section §432.44 of the traffic code, attached as Exhibit A and made a part hereof as if fully rewritten herein.

Section 2. All prior ordinance(s) or resolution(s) or any part thereof, which is(are) inconsistent with this ordinance is(are) hereby repealed as to the inconsistent part(s) thereof, and the remainder of said ordinance(s) or resolution(s) not inconsistent with this ordinance shall remain in full force and effect.

Section 3. This ordinance shall take effect and be in full force from the earliest period allowed by law.

Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: September 13, 2010
Second Reading: October 11, 2010
Third Reading: Tabled November 8, 2010
Third Reading: December 13, 2010
Passed: December 13, 2010

Attest Suzanne Coulter, Clerk-Treasurer,
Village of Minerva Park

Reviewed by Counsel

§432.44, 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 §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, stopped, or removed from the flow of traffic, or stopped because of an 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 motor vehicle being operated on any street or highway to stop the motor vehicle 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.
- No law enforcement officer shall view the interior or visually inspect any motor vehicle 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.