

Village of Mantua, Ohio
ORDINANCE 2018-41

AN ORDINANCE ENACTING SECTION 331.45 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, PROHIBITING DISTRACTED DRIVING.

WHEREAS, the Safety Committee has recommended that an Ordinance be enacted in order to prohibit distracted driving on the streets, highways, and property open to the public for vehicular travel within the Village; and

WHEREAS, the Village Council wishes to address this recommendation by enacting Section 331.45 of the Village of Mantua Codified Ordinances.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, a majority or more of the members elected thereto concurring, that:

SECTION 1. Section 331.45 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in “Exhibit A”, attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall be in full force and effect after proper passage by the Mantua Village Council at the earliest period allowed by law.

Passed in Council this ____ day of _____, 2018.

1st Reading: September 18, 2018

Linda Clark, Mayor

2nd Reading: October 16, 2018

3rd Reading: November 20, 2018

ATTEST:

Effective: December 20, 2018

Jenny August, Clerk of Council

I hereby certify that this Resolution was duly published by public posting at pre-designated posting places on the ____ day of November, 2018.

Jenny August, Clerk of Council

Approved as to legal form by:

Michele Stuck, Solicitor

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“Exhibit A”

331.45 DISTRACTED DRIVING

- (a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular travel while using a mobile communications device to write, send, or read a text based communication.
- (b) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular travel while using a mobile communications device to send, read, create, play or interact with internet-based content.
- (c) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular travel while holding an animal of any type or by allowing an animal to distract their ability from operating the motor vehicle safely.
- (d) Division (a) or (b) of this section does not apply to any of the following:
 - (1) A person using a mobile communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital, or health care provider, fire department, or other similar emergency agency or entity;
 - (2) A person driving a public safety vehicle who uses a mobile communications device in the course of the person’s duties while operating an emergency or public safety vehicle;
 - (3) A person using a mobile communications device whose motor vehicle is in a stationary position and is outside a lane of travel in accordance with applicable laws or rules, or is stopped due to the inoperability of such vehicle ;
 - (4) A person reading, selecting, or entering a name or telephone number in a mobile communications device for the purpose of making or receiving a telephone call;
 - (5) A person using a mobile communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.
- (e) As used in this section:
 - (1) “Text Based Communication” means a message sent, stored, or received via a mobile communications device. For purposes of this section, an e-mail shall be considered a “text based communication.”
 - (2) “Mobile Communications 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, a mobile data terminal, or a personal computer, including a laptop or tablet computer.
- (f) Whoever violates subsections (a), (b), or (c) of this section is guilty of a minor misdemeanor. Any person convicted of a second violation within one year, or whose acts in violation of this section caused a vehicular collision resulting in personal injury to any person, shall be guilty of a misdemeanor of the third degree.