

Village of Mantua, Ohio
ORDINANCE 2025-12

AN ORDINANCE AMENDING SECTION 331.45 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA PROHIBITING DISTRACTED DRIVING AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Revised Code Section 4511.204(A) became effective on October 3, 2023 it generally prohibits any person from operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device; and

WHEREAS, the Village of Mantua is a noncharter statutory Village and the Ohio Revised Code preempts municipal Ordinances in conflict therewith.

WHEREAS, Ohio Revised Code Section 4511.204(B) lists various circumstances in which Ohio Revised Code Section 4511.204(A) would not apply; and

WHEREAS, this Council desires to amend Section 331.45(d) of the Codified Ordinances of the Village of Mantua to reflect the circumstances as enumerated within Ohio Revised Code Section 4511.204(B) to preserve the public health, safety, and welfare of the residents of the Village of Mantua.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mantua, that:

SECTION 1. Section 331.45(d) of the Codified Ordinances of the Village of Mantua is hereby amended as follows:

“Division (a) and (b) of this section do not apply to any of the following as enumerated within Ohio Revised Code Section 4511.204(B),

- (1) A person using a mobile communications device to make contact, for emergency purposes, 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 while using a mobile communications device in the course of the person's duties;
- (3) A person using a mobile communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding a mobile communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

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(5) A person receiving wireless messages on a mobile communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of a mobile communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using a mobile communications device for navigation purposes, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(8) A person using a feature or function of a mobile communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using a mobile communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

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(13) A person storing a mobile communications device in a holster, harness, or article of clothing on the person's body.”

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and for the further reason that it is immediately necessary to institute the continued prohibition on the use of fireworks in the Village prior to the effective of date of the new state law allowing the use of fireworks on certain days of the years; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL this ____ day of _____, 2025.

ATTEST:

Tammy Meyer, Mayor

Maryann Fabian, Fiscal Officer

I hereby certify the above Ordinance was duly posted as required pursuant to Mantua Village Codified Ordinances Section 123.01 for no less than two consecutive weeks, beginning on the ____ day of _____, 2025.

Maryann Fabian, Fiscal Officer

Approved as to legal form:

William D. Mason, Solicitor