ORDINANCE NO. 14782

FILE OF CITY COUNCIL

BILL NO. 8 - 2010

Introduced by Councilpersons Schlossberg and Schweyer

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AN ORDINANCE

Amending Article Five, Title Three, Traffic Regulations, by adding a new section prohibiting the use of a hand-held mobile telephone by a person operating a motor vehicle or other vehicle on a City street, under certain terms and conditions.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:**

**SECTION ONE:** That the following is hereby added to Title Three, Traffic Regulations:

**Article 528**
**Prohibiting Use of Mobile Telephones by Persons Operating Vehicles**

**528.01 Legislative Findings**

1. Mobile telephone usage has continued to increase in popularity in the United States. Studies show:

**a.** Mobile phone usage while driving increases the likelihood of a crash fourfold;

**b.** Drivers operating motor vehicles while using a mobile phone are as impaired as drivers with a 0.08 percent blood alcohol level-the level that defines drunk driving in most states;

**c.** The act of dialing a mobile phone is the most dangerous part of making a mobile phone call while operating a motor vehicle;

**d.** The cost of crashes caused by mobile phone usage while operating a motor vehicle is estimated at $43 billion, annually.

2. Text messaging, instant messaging, web browsing and other mobile phone technologies are becoming increasingly popular and present an additional danger to motor vehicle operators. Studies show:

**a.** The use of text messages has increased over 1,000 percent from June of 2005 to June of 2007.

**b.** Today, Americans send and receive more text messages per month than phone calls.

**c.** The use of mobile phones while operating a motor vehicle, skateboard, inline skates or bicycle poses a great risk to the health, safety and welfare of the operator of those vehicles, as well as pedestrians.

**d.** Requiring the use of hands-free device for mobile phones while operating a vehicle within the City of Allentown is necessary to protect the health, safety and welfare of the citizens of Allentown.

**3** Failure to use a hands-free device for a mobile phone while operating a vehicle within the City of Allentown shall constitute a violation of the Allentown Code.

**528. 02 Definitions**

**1.** "Hands-free device" shall mean an external device that connects to a mobile telephone or wireless communication device that allows the user to engage in a call without touching the user's telephone or wireless communication device.

**2**. "Street" means a right-of-way dedicated to the public for the movement of traffic with space for utilities and providing access to abutting properties.

**3.** "On-board communications device" shall mean a communications system or device that is hard-wired into the motor vehicle.

**528.03 Prohibited Conduct**

No person shall use a mobile telephone or wireless communication device in any way, including for voice communication, messaging or emailing:

**a.** While operating a motor vehicle on any Street within the City;

**b.** While using a skateboard, scooter, inline skates or bicycle on any Street within the City.

**528.04 Exceptions to Prohibited Conduct**

**a.** Persons using a hands-free device for voice communication provided that such person does not touch the mobile telephone or wireless communication device connected to such hands-free device while operating or using the vehicle, except as permitted under subparagraph (c).

**b.** Persons using a mobile telephone for voice communication to call "911" in an emergency, or to report a traffic accident or unsafe driving by another motorist.

**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.

**d.** Persons using ~~on-board~~ <u>any</u> communications device for non-personal communication in the course of ordinary business in their employment with a City, State or Federal agency or authority.

**528.99 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 10 days after passage and signed by the Mayor.

Amendment: changing using to any, 7-0.

| | Yea | Nay |
|---|---|---|
| W. Michael Donovan | X | |
| Jeanette Eichenwald | X | |
| Julio A. Guridy | X | |
| Ray O'Connell | X | |
| Michael Schlossberg | X | |
| Peter G. Schweyer | X | |
| Michael D'Amore, President | X | |
| TOTAL | 7 | 0 |

**I hereby certify that the foregoing Ordinance was passed by City Council on March 3 and signed by the Mayor on March 9th , 2010.**

Michael P Hale

**CITY CLERK**