

ORDINANCE NO. 1257
WIRELESS COMMUNICATION DEVICES

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 6, CHAPTER 1, CREATING A NEW SECTION RESTRICTING THE USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING A MOTOR VEHICLE; PROHIBITING TEXTING WHILE DRIVING; PROHIBITING COMMUNICATION ON A CELL PHONE WITHOUT A HANDS-FREE DEVICE WHILE DRIVING; PROVIDING THAT A VIOLATION OF THIS SECTION SHALL BE A SECONDARY INFRACTION WITH A FINE OF TEN DOLLARS; PROVIDING EXEMPTIONS; PROVIDING A SUNSET CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Texting and communicating on wireless devices while driving a motor vehicle can create hazards for residents and visitors;

WHEREAS, It is in the interest of public safety to restrict such activity;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint:

Section 1: That Sandpoint City Code Title 6, Chapter 1, Section 16, be, and the same is hereby, created to read as follows:

6-1-16 USE OF WIRELESS COMMUNICATION DEVICES:

- A. No person shall use an electronic wireless communication device to write, send, or read a text based communication while driving. While driving, no person shall talk on a cell phone, unless they are using a hands-free device.
- B. As used in this section, "electronic wireless communication device" means cellular telephone, computer, personal information management device or other personal digital assistant device with email, messaging, and/or telephone capabilities, either individually or in combination.
- C. As used in this section "write, send, or read a text based communication" means using an electronic wireless communication device to manually communicate with any person using a text based communication, including, but not limited to, communications referred to as a text message, instant message, or email.
- D. For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communication device for the purpose of making or receiving a telephone call.

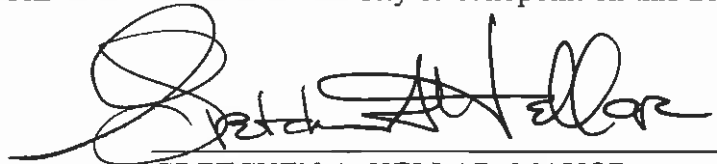
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- E. A violation of this section is a secondary infraction, punishable by a fine of ten dollars (\$10.00).
- F. Exceptions
- 1) This section shall not apply to an emergency services professional using an electronic wireless communication device while operating an authorized emergency vehicle, as defined in Idaho Code § 49-123(2)(b), in the course and scope of his or her duties.
 - 2) This section shall not apply to any person reporting a health, fire, safety or police emergency.
 - 3) This section shall not apply to drivers using two-way radios while in the performance and scope of their work-related duties.
- G. This section shall sunset and end upon any future passage of substantially similar legislation by the State of Idaho.

Section 2: Severability: Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 3: Effective Date: This Ordinance shall be in full force and effect 90 days from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 21st day of September, 2011.



GRETCHEN A. HELLAR, MAYOR

ATTEST:



MAREE PECK, CITY CLERK

SUMMARY OF ORDINANCE NO. 1257

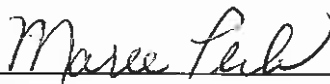
Wireless Communication Devices

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 6, CHAPTER 1, CREATING A NEW SECTION RESTRICTING THE USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING A MOTOR VEHICLE; PROHIBITING TEXTING WHILE DRIVING; PROHIBITING COMMUNICATION ON A CELL PHONE WITHOUT A HANDS-FREE DEVICE WHILE DRIVING; PROVIDING THAT A VIOLATION OF THIS SECTION SHALL BE A SECONDARY INFRACTION WITH A FINE OF TEN DOLLARS; PROVIDING EXEMPTIONS; PROVIDING A SUNSET CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTION 1 creates a new section under City Code Title 6, Chapter 1, to provide for restrictions on the use of cell phones and other wireless communication devices while driving; SECTION 2 provides for severability; and SECTION 3 provides for publication and an effective date.

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated this 21st day of September, 2011.



Maree Peck, City Clerk

Published September 30, 2011

STATEMENT OF LEGAL ADVISER

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. 1257 and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.



Scot R. Campbell, City Attorney