

ORDINANCE NO. 091009-01

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 58, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF SELMA, TEXAS TO ADD SECTION 58-1 PROHIBITING USE OF WIRELESS COMMUNICATION DEVICES IN SCHOOL CROSSING ZONES EXCEPT WITH HANDS-FREE DEVICE, SETTING A PENALTY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, House Bill 55 as passed by the 81st Texas Legislature provides that a wireless communication device may not be used in a school crossing zone unless such wireless communication device is used with a hands-free device; and

WHEREAS, House Bill 55 as passed by the 81st Texas Legislature also provides that a municipality that enforces the prohibition on use of a wireless communication device in a school crossing zone unless such wireless communication device is used with a hands-free device shall post a sign that complies with the standards described in House Bill 55 at the entrance to each school crossing zone in the municipality; and

WHEREAS, House Bill 55 as passed by the 81st Texas Legislature, further provides that the Texas Department of Transportation shall adopt standards for such signs; and

WHEREAS, the Texas Department of Transportation has adopted a "Cell Phone Use Prohibited – Up to \$200 Fine" sign to comply with the requirements of House Bill 55 as passed by the 81st Texas Legislature; and

WHEREAS, House Bill 55 as passed by the 81st Texas Legislature, became effective on September 1, 2009; and

WHEREAS, the City Council of the City of Selma finds that the City should enforce the prohibition on use of a wireless communication device in a school crossing zone unless such wireless communication device is used with a hands-free device and should post a Texas Department of Transportation-promulgated sign at the entrance to each school crossing zone in the City of Selma.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELMA, TEXAS that:

1. Section 58-1, Use of Wireless Communication Devices in School Crossing Zones, is hereby added to Article 1 of Chapter 58, Traffic and Vehicles of the Code of Ordinance of the City of Selma, Texas, to read as follows:

Sec. 58-1. Use of Wireless Communication Devices in School Crossing Zones
{L & B 07318/0002/L0368015.DOC}

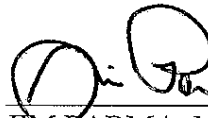
(a) Use of a wireless communications device in a school crossing zone unless such wireless communication device is used with a hands-free device is prohibited.

(b) The Texas Department of Transportation promulgated sign reading "Cell Phone Use Prohibited – Up to \$200 Fine" is adopted as the sign to be posted at the entrance of each school crossing zone in the City where a wireless communication device may not be used in a school crossing zone unless such wireless communication device is used with a hands-free device.

2. Any person or entity violating any provision of this Ordinance shall, upon conviction, be punished by a fine not exceeding the sum of \$200 per offense.

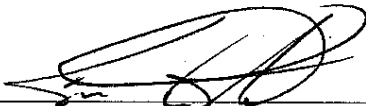
This Ordinance shall be effective one day after the later of (a) publication of this Ordinance in the official newspaper of the City of Selma or (b) the posting of a sign reading "Cell Phone Use Prohibited – Up to \$200 Fine" at the entrance of a school crossing zone.

Passed and adopted this 10th day of September, 2009.



JIM PARMA, Mayor

ATTEST:



KEN ROBERTS, City Secretary