

ORDINANCE NO. 1498

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, TEXAS, AMENDING CHAPTER 19 "TRAFFIC", ARTICLE IV "OPERATION OF VEHICLES GENERALLY", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE, TEXAS, PROHIBITING THE USE OF PORTABLE ELECTRONIC DEVICES TO VIEW, SEND OR COMPOSE ELECTRONIC MESSAGING, OR ENGAGE OTHER SOFTWARE WHILE OPERATING A MOTOR VEHICLE; PROVIDING FOR A PENALTY, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council believes safety of citizens of Jacksonville is of utmost importance, and that distracted drivers are a danger to the safety of citizens; and

WHEREAS, after careful consideration, the City Council feels Chapter 19 "Traffic", Article IV "Operation of Vehicles Generally" of the City of Jacksonville Code of Ordinances should be amended to prohibit the use of portable electronic devices to view, send or compose an electronic message or engage other software while operating a motor vehicle.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, TEXAS that Chapter 19, Article IV of the City of Jacksonville Code of Ordinances shall be amended to add Section 19-127 and shall read as follows:

Chapter 19 "Traffic"

Article IV "Operation of Vehicles Generally"

Section 19-127.

- A) The provisions of this ordinance shall apply to all persons operating a motor vehicle on public roadways within the incorporated limits of the City of Jacksonville.
- B) In this section, portable electronic device means a hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, tablet computer, pager, broadband personal communication device, global positioning or navigation system, electronic game device, or portable computing device.
- C) A driver of a motor vehicle may not use a portable electronic device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle on a public roadway within the City of Jacksonville, Texas.
- D) It is an affirmative defense to prosecution under this section if a portable electronic device is used:
 - (1) While the vehicle is properly and legally parked;

- (2) Strictly to engage in a telephone conversation, including dialing or deactivating the call;
- (3) As a global positioning or navigation system;
- (4) For obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime being or about to be committed;
- (5) In the reasonable belief a person's life or safety is in immediate danger; or
- (6) Solely in a voice-activated or other hands-free mode.

E) This section does not apply to an operator of an authorized emergency vehicle using a portable electronic device while acting in an official capacity.

F) To the extent this section conflicts with the Texas Transportation Code § 545.424, regarding the use of portable electronic devices while operating a motor vehicle by minors, or Texas Transportation Code § 545.425, regarding the use of portable electronic devices in school crossing zones, this section does not apply.

G) Any person, corporation, or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00).

FURTHER, should any paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

PASSED AND APPROVED this 12 day of January, 2016

Dick Stone

Dick Stone, Mayor

ATTEST:

gs Lowe

Greg Lowe, City Secretary

APPROVED AS TO FORM:

Marvin J. Angle, City Attorney