

## ORDINANCE NUMBER 693

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 10 - VEHICLES AND TRAFFIC, CHAPTER 10.16, OPERATION OF VEHICLES, OF THE MUNICIPAL CODE BY DELETING SECTION 10.16.080, USE OF HANDHELD DEVICES, WHICH WAS ADOPTED BY ORDINANCE NUMBER 656.

WHEREAS, in 2019 the Arizona Legislature adopted Arizona Revised Statutes §28-914, relating to the use of portable communication devices while driving; and

WHEREAS, that statute preempts local legislation in this area, rendering Section 10.16.080 of the Cottonwood Municipal Code, which was previously adopted by Ordinance Number 656 on February 5, 2019, redundant and unnecessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

**Section 1.** That, Title 10 - Vehicles and Traffic, Section 10.16.050 - Miscellaneous Traffic Enforcement Rules., of the Cottonwood Municipal Code is hereby amended by deleting Section 10.16.080 - Use of Handheld Devices, in its entirety.

**Section 2.** Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent decision, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 16TH DAY OF FEBRUARY 2021.

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Tim Elinski, Mayor

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APPROVED AS TO FORM:

ATTEST:

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Steven B. Horton, Esq., City Attorney

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Marianne Jiménez, City Clerk