

ORDINANCE NO. 14782

FILE OF CITY COUNCIL

BILL NO. 8 - 2010

Introduced by Councilpersons Schlossberg and Schweyer

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~~ any 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.



CITY CLERK