

CITY OF MERIDIAN ORDINANCE NO. 19-1857

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
LITTLE ROBERTS, MILAM, PALMER

AN ORDINANCE ADDING MERIDIAN CITY CODE SECTION 7-1-14, PROHIBITING THE USE OF HANDHELD WIRELESS DEVICES WHILE OPERATING A VEHICLE UPON A STREET OR HIGHWAY WITHIN THE CITY OF MERIDIAN; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, distracted driving adversely impacts public safety by contributing to traffic accidents, injuries, and fatalities;

WHEREAS, the use of handheld wireless devices while operating a vehicle is a cause of distracted driving; and,

WHEREAS, the use of handheld wireless devices while on the roadway in a vehicle on a street or highway can be a cause of road rage and distracted driving; and

WHEREAS, an ordinance prohibiting the use of handheld wireless devices while operating a vehicle would reduce distracted driving and enhance public safety;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That section 7-1-14 is added to the Meridian City Code as follows:

7-1-14: USE OF HANDHELD WIRELESS DEVICES:

A. PROHIBITED ACTS:

It shall be unlawful to use a handheld wireless device while operating a vehicle upon a street or highway within the City of Meridian.

B. EXCEPTIONS:

This provision shall not apply to the following:

1. Use of a handheld wireless device in a voice-operated mode, where the operator of the vehicle does not hold or manually operate the device, except to activate or deactivate the voice-operated function of the device.
2. Use of a navigation feature on a handheld wireless device, provided that the operator of the vehicle does not hold or manually enter information into the device, except to activate or deactivate the navigation feature on the device.
3. Use of a handheld wireless device to report an emergency to a law enforcement agency, fire department, health care provider, or other emergency services provider.

4. Use of a handheld wireless device while the vehicle is parked off the roadway.
5. Use of a handheld wireless device by a peace officer, firefighter, paramedic, emergency medical technician, or other public safety first responder during the performance of that person's official duties.
6. Use of a handheld wireless device by a public utility employee or contractor acting within the scope of that person's employment while responding to a public utility emergency.

C. DEFINITIONS:

The definitions set forth in Title 49, Chapter 1, Idaho Code shall apply to terms used in this section. Further, for purposes of this section, the following terms shall be defined as follows:

Handheld Wireless Device. Any handheld or portable electronic device capable of receiving, producing, displaying, or providing wireless data or voice communication. "Handheld wireless device" shall not include a radio designed for the citizen band service or the amateur radio service of the Federal Communications Commission or a commercial two-way radio communications device.

D. PENALTIES:

1. Every person who violates this section shall be guilty of an infraction and punishable by a fixed penalty of \$90.00 plus court costs.
2. A conviction under this section shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this section shall be deemed to a non-moving traffic violation and shall have no points assessed as prescribed by Idaho Code.

E. SEVERABILITY

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

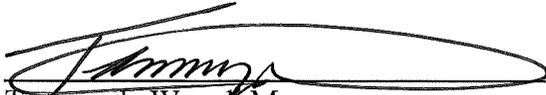
Section 2. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

^{and}
Section 3. That this ordinance shall be effective upon its passage, publication ~~and on~~

_____.
PASSED by the City Council of the City of Meridian, Idaho this 22nd day of OCT,
2019.

APPROVED by the Mayor of the City of Meridian, Idaho, this 27nd day of OCT,
2019.

APPROVED:


Tammy de Weerd, Mayor

ATTEST:

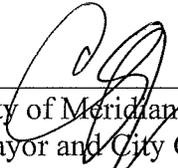

Chris Johnson, City Clerk



**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 19- 1857

An ordinance adding Meridian City Code section 7-1-14, prohibiting the use of handheld electronic devices while driving a vehicle; adopting a savings clause; and providing an effective date. A full text of this ordinance is available for inspection at Meridian City Hall, 33 E. Broadway Avenue, Meridian, Idaho. This ordinance shall be effective upon its passage and publication.



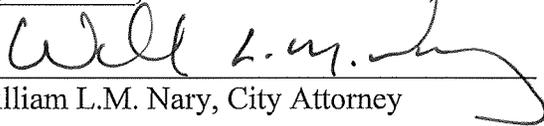
City of Meridian
Mayor and City Council
By: Chris Johnson, City Clerk

First Reading: 10-22-19
Adopted after first reading by suspension of the rule
as allowed pursuant to Idaho Code
§ 50-902: YES NO
Second Reading: N/A
Third Reading: N/A

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 19- 1857**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 19- 1857 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 22 day of October, 2019.



William L.M. Nary, City Attorney