

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, CHAPTER 335, ARTICLE I, MISCELLANEOUS DRIVING RULES AND REGULATIONS; BY CREATING NEW SECTION 335.115; LIMITATIONS ON USE OF HAND HELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICES.

WHEREAS, the Council finds that drivers under the age of 21 are particularly prone to using hand held electronic wireless communications devices while driving and thus pose a safety hazard to other drivers and pedestrians.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. Ordinance No. 4788, the Municipal Code of the City of Richmond Heights, Missouri, Chapter 335, Article I, Miscellaneous Driving Rules and Regulations is hereby amended to add new Section 335.115, Limitations on Use of Hand Held Electronic Wireless Communications Devices to read as follows:

A. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle on roads exclusively within the jurisdiction of the City of Richmond Heights, Missouri, by means of a hand-held electronic wireless communications device, shall send, read, or write a text message or electronic message.

B. The provisions of Subsection 1 of this section shall not apply to a person operating:

1. An authorized emergency vehicle; or
2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - a. Report illegal activity;
 - b. Summon medical or other emergency help;
 - c. Prevent injury to a person or property; or
 - d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

C. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle on roads exclusively within the jurisdiction of the City.

D. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.

E. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

F. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

G. As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

H. A violation of this section shall be deemed an infraction and shall be subject to the penalties provided in this Chapter for moving violations.

I. The provisions of this section shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped;
2. Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
4. The use of voice operated technology;
5. The use of two-way radio transmitters or receivers by a licensee of the Federal . Communications Commission in the Amateur Radio Service.

SECTION 2. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 4. This ordinance shall be in full force and effect on the 31st day after its passage as provided by law.

PASSED and SIGNED this 21st day of September, 2009.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: September 8, 2009
Second reading: September 21, 2009