



ORDINANCE NO. 1062

AN ORDINANCE REGULATING THE USE OF HAND-HELD WIRELESS TELEPHONES, CELLULAR TELEPHONES, OR ANY OTHER WIRELESS DEVICE FOR TEXTING WHILE OPERATING A MOTOR VEHICLE; FOR PEDESTRIANS IN PUBLIC RIGHT-OF-WAYS; PROVIDING FOR THE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, The City of Rexburg has determined the use of a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while operating a moving vehicle or while pedestrians are crossing a public right-of-way is unsafe; and

WHEREAS, There have been reports of near misses of pedestrians by automobiles while automobile operators are distracted while using a hand-held wireless telephone, cellular telephone, or any other wireless device for texting; and

WHEREAS, Public safety is of the highest priority for the City of Rexburg;

NOW THEREFORE BE IT ORDAINED BY the City of Rexburg, Idaho:

SECTION I: MOTOR VEHICLE OPERATORS

Drivers: While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting.

SECTION II: PEDESTRIANS

Pedestrians: No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.

SECTION III: PENALTY

Each Offense: A violation of this section is an infraction punishable by a base fine of fifty dollars (\$50) for a first offense and one hundred and fifty dollars (\$150) for each subsequent offense.

SECTION IV: COMPLIANCE

All Vehicle Operators and Pedestrians are required to comply with this Ordinance unless excluded from compliance.

Excluded from compliance: This section does not apply to a person texting using a hand-held wireless telephone, cellular telephone, or any other wireless device for emergency purposes, including, but not limited to, texting an emergency message to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

This section does not apply to an emergency services professional using a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while operating an authorized emergency vehicle, in the course and scope of his or her duties.

This section does not apply to a person texting while driving a motor vehicle on private property.

SECTION V: This Ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, this 20th day of April, 2011.

