

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 10-02

INTRODUCED BY: Gentile, Nickell, Petrusky, Willey, Marnecheck,  
Antoskiewicz, Kasaris, Mayor Stefanik

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 4 TRAFFIC CODE, CHAPTER 434 OVI/RECKLESS OPERATION/SPEED, SECTION 434.026 TEXTING OR TYPING ON MOBILE COMMUNICATION DEVICES DRIVING PROHIBITED, HAND HELD WIRELESS TELEPHONE, MINORS PROHIBITED, PARAGRAPH (e) PENALTY, AND DECLARING AN EMERGENCY

WHEREAS: Council adopted legislation enacting Section 434.026 of the Codified Ordinances of the City of North Royalton entitled Texting or Typing on Mobile Communication Devices Driving Prohibited, Hand Held Wireless Telephone, Minors Prohibited; and

WHEREAS: Upon reflection, Council deems it appropriate to revisit that enactment and in particular the penalty section thereof; and

WHEREAS: Council has determined that the penalty for a violation of this code should be limited to the status of a minor misdemeanor in all cases; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 4 Traffic Code, Chapter 434 OVI/Reckless Operation/Speed, Section 434.026 Texting or Typing on Mobile Communication Devices Driving Prohibited, Hand Held Wireless Telephone, Minors Prohibited, Paragraph (e) Penalty; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 4 Traffic Code, Chapter 434 OVI/Reckless Operation/Speed, Section 434.026 Texting or Typing on Mobile Communication Devices Driving Prohibited, Hand Held Wireless Telephone, Minors Prohibited of the Codified Ordinances of the City of North Royalton is hereby amended to read as follows:

(e) Penalty.

(1) Whoever violates (b), (c) or (d) above is guilty of a minor misdemeanor.

~~(2) Whoever violates (b), (c) or (d) above having once previously been convicted of this same offense within two years is guilty of a fourth degree misdemeanor;~~

~~(3) Whoever violates this section after having previously been convicted of this same offense two or more times is guilty of a third degree misdemeanor;~~

~~(4) If the offender was involved in a motor vehicle accident and another person was injured and text messaging or use of a mobile communication device by the offender was the proximate cause of the accident, the offense is a misdemeanor of the third degree.~~

Section 2. Section 434.026 Texting or Typing on Mobile Communication Devices Driving Prohibited, Hand Held Wireless Telephone, Minors Prohibited is hereby amended as provided for herein and all other provisions of Section 434.026 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. The Director of Legislative Services is hereby directed to forward a copy of this Ordinance to Ohio Senator Thomas Patton, Ohio Representative Matt Patten and the cities of Berea, Brecksville, Broadview Heights, Brunswick, Hinckley, Middleburg Heights, Parma, Parma Heights, and Strongsville.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part 4 Traffic Code, Chapter 434 OVI/Reckless Operation/Speed, Section 434.026 Texting or Typing on Mobile Communication Devices Driving Prohibited, Hand Held Wireless Telephone, Minors Prohibited in order to make the penalty for a violation of this code a minor misdemeanor in all cases.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: January 5, 2010

DATE APPROVED: January 5, 2010

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading January 5, 2010

YEAS: Gentile, Nickell, Petrusky, Willey,  
Marnecheck, Antoskiewicz, Kasaris

NAYS: none