

ORDINANCE NO. 1152

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 10, CHAPTER 8, KETCHUM CITY CODE, BY ADDING DEFINITIONS TO SECTION 10.08.020; ADDING A NEW SECTION 10.08.310 PROHIBITING THE USE OF A HAND HELD MOBILE ELECTRONIC DEVICE WHILE DRIVING EXCEPT UNDER CERTAIN CONDITIONS, PROVIDING FOR AN INFRACTION FINE OF \$100.00 AND PROVIDING FOR EXCEPTIONS FOR LAW ENFORCEMENT OFFICERS, FIRE DEPARTMENT PERSONNEL OR EMERGENCY SERVICE VEHICLE OPERATORS WHILE IN THE ACTUAL PERFORMANCE OF THEIR OFFICIAL DUTIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, texting and communicating on wireless devices while driving a motor vehicle can create hazards for residents and visitors; and

WHEREAS, the City Council finds it is in the interest of public safety to restrict such activity.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, Blaine County, Idaho, as follows:

Section 1: That Ketchum City Code Title 10, Chapter 10.08 Parking and Traffic, Section 10.08.020 Definitions, is hereby amended, altered and changed by the addition of new definitions, as follows:

HANDS-FREE WIRELESS TELEPHONE: A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand.

MOBILE ELECTRONIC DEVICE: Any handheld or other portable electronic equipment capable of providing wireless or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, music player or digital photographic device, but does not include an amateur radio, any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear of the motor vehicle.

OPERATE: To drive or assume actual physical control of a motor vehicle upon a public way, street, road or highway, including operation while temporarily stationary because of traffic, a traffic light, or a stop sign.

USE: When referring to a wireless telephone or electronic communication device, this term shall include, but not be limited to, holding a mobile electronic device, talking or listening

to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or mobile electronic device.

Section 2: That Ketchum City Code, Title 10, Chapter 10.08 Parking and Traffic, Section 10.08.310 Use of Wireless Communication Devices, is hereby established, as follows:

10.08.310: USE OF WIRELESS COMMUNICATION DEVICES:

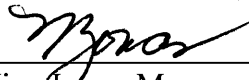
- A. The use of a wireless telephone or mobile electronic device by an operator of a motor vehicle on a public road or highway within the city limits of Ketchum shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free.
- B. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if:
 - 1. The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or
 - 2. The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A hand-held wireless telephone user's telephone records or testimony or written statement from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.
- C. A person who is found guilty of this infraction shall be fined \$100.00.
- D. No motor vehicle points or automobile insurance eligibility points shall be assessed for this offense.
- E. The prohibitions set forth in this section shall not be applicable to any of the following persons while in the actual performance of their official duties: (i) a law enforcement officer; (ii) a member of a paid or volunteer fire department; or (iii) an operator of an authorized emergency vehicle.

Section 3: Severability. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4: Repealer. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

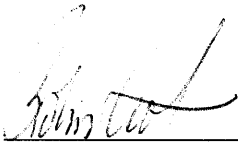
Section 5: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO AND APPROVED BY THE MAYOR this 4th day of April, 2016.



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk