ORDINANCE 1205

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY IDAHO, REPEALING KETCHUM MUNICIPAL CODE SECTION 10.08.310 USE OF WIRELESS COMMUNICATION DEVICES AND REPLACING WITH SECTION 10.08.310 USE OF HANDHELD WIRELESS DEVICES, PROHIBITING THE USE OF HANDHELD WIRELESS DEVICES WHILE OPERATING A VEHICLE UPON A STREET OR HIGHWAY WITHIN THE CITY OF KETCHUM AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE, A REPEALER CLAUSE, A PUBLICATION 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, distracted driving can be a cause of road rage which may lead to violence between motorists; and,

WHEREAS, in 2016 the City of Ketchum adopted Ordinance 1152 prohibiting use of wireless communication devices; and,

WHEREAS, The City of Ketchum Ordinance needs to be revised to reflect recent court decisions related to prohibiting the use of handheld wireless devices while operating a vehicle;

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

Section 1. That section 10.08.310 is repealed from the Ketchum Municipal Code.

Section 2. That Section 10.08.310 be added to the Ketchum Municipal Code as follows:

10.08.310: 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 Ketchum.

B. EXCEPTIONS:

Section 10.08.310 A 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:

1. 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.

Section 3: SAVINGS AND SEPARABILITY CLAUSE. 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 CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto shall be published.
once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 6: EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this ___ day of December 2019.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this ___ day of December 2019.

APPROVED:

 Neil Bradshaw, Mayor

ATTEST:  

 Robin Crotty, City Clerk