

YOUNGSVILLE BOROUGH,
WARREN COUNTY, PENNSYLVANIA

ORDINANCE NO. 568

AN ORDINANCE OF THE BOROUGH OF YOUNGSVILLE,
WARREN COUNTY, PENNSYLVANIA, PROHIBITING
THE USE OF MOBILE TELEPHONES
BY PERSONS OPERATING VEHICLES

WHEREAS, the Borough Council of Youngsville desires to adopt an Ordinance regarding the use of hand-held mobile telephones by persons operating motor vehicles or other vehicles on streets within the Borough;

WHEREAS, the Borough Council of Youngsville desires said Ordinance to prohibit the use of hand-held mobile telephones by a person operating a motor vehicle or other vehicle on a Borough Street;

WHEREAS, the Borough Council of Youngsville, in support of said Ordinance, desires to list the following Legislative Findings:

1. Mobile Telephone usage has continued to increase in popularity in the United States and studies show:
 - a.) Mobile phone usage while driving increases the likelihood of crashes;
 - b.) Drivers operating motor vehicles while using a mobile phone are as impaired as drivers with a 0.08% blood alcohol level, the level that defines drunk driving in most states;
 - c.) The act of dialing a mobile phone is the most dangerous part of making a mobile phone call while operating a motor vehicle;

d.) The cost of crashes caused by mobile phone usage while operating a motor vehicle is estimated at \$43 billion annually.

2. Text Messaging, instant messages, web browsing and other mobile phone technologies are becoming increasingly popular and present an additional danger to motor vehicle operators. Studies Show:

a.) The use of text messages has increased over 1,000% from June 2005 to June 2007.

b.) Today, Americans send and receive more text messages per month than phone calls.

c.) The use of mobile phones while operating a motor vehicle, skateboard, inline skates or bicycles poses a great risk of the health, safety and welfare of the operator of those vehicles, as well as pedestrians.

d.) Requiring the use of hands-free device for mobile phones with operating a vehicle within the Borough of Youngsville is necessary to protect the health, safety and welfare of the citizens of Youngsville.

3. Failure to use a hands-free device for a mobile phone while operating a vehicle within the Borough of Youngsville shall constitute a violation of the Borough Code.

Definitions

1. Hands-Free Device: shall mean an external device that connects to a mobile telephone or wireless communication device that allows the user to engage in a call without touching the user's telephone or wireless communication device.

2. Street: means a right-of-way dedicated to the public for the movement of traffic with space for utilities and providing access to properties.

3. On-Board Communications Device: shall mean a communications system or device that is hard wired into the motor vehicle.

NOW, THEREFORE, the Borough Council of Youngsville does enact and ordain, and it is enacted and ordained for the Borough of Youngsville, Warren County, Pennsylvania, as follows:

Prohibited Conduct

1. No person shall use a mobile telephone or wireless communication device in any way, including for voice communication, messaging or emailing:

a.) While operating a motor vehicle on any street within the Borough of Youngsville, Warren County, Pennsylvania.

b.) While using a skateboard, scooter, inline skates or bicycle on any street within the Borough of Youngsville, Warren County, Pennsylvania.

Exceptions to Prohibited Conduct

2. Persons using a hands-free device for voice communication provided that such person does not touch the mobile telephone or wireless communication device connected to such hands-free device while operating or using the vehicle, except as permitted under Paragraph "3" below.

3. Persons using a mobile telephone for voice communication to call "911" in an emergency, or to report a traffic accident or unsafe driving by another motorist(s).

4. Persons using a mobile telephone or wireless communication device while maintaining a motor vehicle in a stationary position in a parking lane or space out of moving traffic lanes, and not in gear.

5. Persons using on board any communications device for non-personal communication in the course of ordinary employment with a City, State or Federal Agency or authority.

Penalties

6. Any person convicted of violating this Ordinance shall be guilty of a Summary Offense, and shall be subject to a fine of not less than One Hundred Fifty Dollars (\$150.00), nor more than Three Hundred Dollars (\$300.00).

7. Any ordinance or any part of any ordinance inconsistent with this ordinance, as amended, is hereby repealed.

8. Said Ordinance shall be in effect ten (10) days after the adoption hereof and execution by the Mayor.

ORDAINED AND ADOPTED this 12th day of July, 2010.

COUNCIL OF THE BOROUGH
OF YOUNGSVILLE

By Douglas L. Peterson
Douglas L. Peterson, Vice President

APPROVED this 12th day of July, 2010.

By James L. Farr
James L. Farr, Mayor

ATTEST: (seal)

Margaret A. Nelson
Margaret A. Nelson, Borough Secretary