



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF SPECIAL MEETING

Mayor and Board of Commissioners of the City of Enid, Oklahoma.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, will meet in special session at 12:00 p.m. on the 29th day of October, 2015, in the Council Chambers of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

MAYOR AND BOARD OF COMMISSIONERS SPECIAL MEETING

1. CALL TO ORDER/ROLL CALL.
2. CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-5-8, ENTITLED "ATTENTION TO DRIVING REQUIRED," TO INCLUDE OKLAHOMA STATE LAW THAT PROHIBITS TEXTING AND DRIVING; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND DECLARING AN EMERGENCY.
3. ADJOURN.

City Commission Special Meeting

2.

Meeting Date: 10/29/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-5-8, ENTITLED "ATTENTION TO DRIVING REQUIRED," TO INCLUDE OKLAHOMA STATE LAW THAT PROHIBITS TEXTING AND DRIVING; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND DECLARING AN EMERGENCY.

BACKGROUND:

Oklahoma's law prohibiting texting while driving will become effective November 1, 2015. This ordinance incorporates the State's language into the City's code. If the emergency measure is passed, the ordinance will become effective immediately after it is approved and published.

RECOMMENDATION

Approve Emergency Ordinance.

PRESENTER:

Andrea L. Chism, City Attorney.

Attachments

Texting Ordinance

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-5-8, ENTITLED "ATTENTION TO DRIVING REQUIRED," TO INCLUDE OKLAHOMA STATE LAW THAT PROHIBITS TEXTING AND DRIVING. PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION AND EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 6, Chapter 5, Section 6-5-8, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-5-8: ATTENTION TO DRIVING REQUIRED²⁷:

A. Full Time and Attention to Driving²⁷:

The operator of every vehicle, while driving, shall devote his full time and attention to such driving. A violation of this section that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this section that does result in collision or injury to either person or property shall have a maximum penalty of two hundred dollars (\$200.00) plus costs. (Ord. 2014-18, 5-6-2014)

B. Composing, Sending, Reading Text Message While Vehicle in Motion²⁸:

1. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the City of Enid while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.
2. Any person who violates the provisions of subsection 1 of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).
3. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:
 - a. An emergency response operator;

b. A hospital, physician's office or health clinic;

c. A provider of ambulance services;

d. A provider of firefighting services; or

e. A law enforcement agency.

4. For the purpose of this section:

a. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

b. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

c. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

d. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

Footnotes - Click any footnote link to go back to its reference.

Footnote 27: State law reference - similar provisions, 47 OS § 11-901(b).

Footnote 28: State law reference - similar provisions, 47 OS § 11-901(d).

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-5-8 of the Enid Municipal Code, 2014.

Section VI: Emergency. It is immediately necessary for the preservation of the public health, peace, welfare and safety of the City, and the inhabitants thereof, that the provisions of this Ordinance become operative immediately, and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk,

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT