

**AN ORDINANCE AMENDING CHAPTER 23, ARTICLE IX
OF THE URBANA CODE OF ORDINANCES**

(Mobile Communications Device Usage While Operating a Vehicle)

WHEREAS, the City of Urbana has a population in excess of 25,000 people and is, therefore, a home rule municipality per the Illinois Constitution of 1970 and Illinois statutes;

WHEREAS, the City of Urbana has an interest in ensuring that vehicles of all kinds are operated in a safe fashion;

WHEREAS, certain studies have indicated that usage of a mobile communications device while operating a vehicle increases the operator's distraction and makes him or her more likely to cause an accident;

WHEREAS, the Illinois Legislature has recently considered passing House Joint Resolution No. 0010, which, among other requirements, would have mandated that the Illinois Department of Transportation request accident statistics from municipal law enforcement that enumerate the accidents caused by cellular phones; and

WHEREAS, the City of Urbana wishes to study the the relationship between the use mobile communications devices and vehicular accidents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section 23-121 is hereby created, and Chapter 23, Article IX of the City of Urbana Code of Ordinances shall be amended, as follows:

Sec. 23-121.

(a) Any person who, by or during the use of a mobile communications device, while operating a vehicle, shall cause or initiate an accident on any public roadways, streets, alleys, or other public way, which

results in damage to the property of another; personal injury to another; or death of another shall be cited and fined no less than \$750.00 or the maximum fine allowed by City ordinance, whichever is greater.

(b) All usage of text messaging devices is prohibited while operating a vehicle on public roadways, streets, alleys, sidewalks, or any public way within the City of Urbana. Any violations of this subsections shall be subject to a fine of \$750.00 or the maximum fine allowed by ordinance, whichever is greater.

(c) For purposes of this Section, "vehicle" shall be defined as every device, in, upon, or by which any person or property is or may be transported or drawn up highways, public streets, public alleys, and public sidewalks.

(d) "Mobile communication device" shall include, but is not limited to the following:

- (1) Cellular phones
- (2) 2-way radios
- (3) text messaging devices
- (4) Mobile phones

(e) All law enforcement, fire rescue personnel, emergency vehicle operators, public works personnel, and other government personnel are exempt from this section if a mobile communications device is a piece of equipment necessary to the normal functions of their position, and the use of the device was during the normal course of conducting their job functions.

(f) Amateur radio operators, using two-way radios while participating in emergency or severe weather response operations, are exempt from this section.

Section 2. From July 1, 2008 to June 30, 2009, the City of Urbana Police Department shall track and report the use of mobile communications devices as a cause or contributor to any vehicular accidents that it is called to investigate, causing property damage, personal injury, or death, within the limits of its geographic jurisdiction. The Chief of Police or his or her designee shall report to the Mayor and City Council the findings of his or her department by the end of July 2009.

PASSED by the City Council this 16th day of June,
2008.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Robets, Smyth

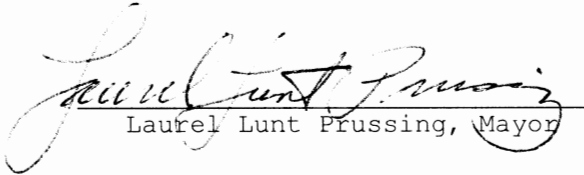
NAYS: Stevenson

ABSTAINS:



APPROVED by the Mayor this 20th day of June,

2008.


Laurel Lunt Prussing, Mayor