1	Sponsors: Miyasato/Guevin
2 3	CITY AND BOROUGH OF SITKA
4	ODDINANCE NO. 2016 05
5 6	ORDINANCE NO. 2016-05
7	AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA
8	GENERAL CODE TITLE 10 "PUBLIC PEACE, SAFETY AND MORALS" BY ADDING
9	A NEW CHAPTER 10.25 ENTITLED, "CELLULAR PHONE USE WHILE DRIVING"
10	1. <u>CLASSIFICATION.</u> This ordinance is of a permanent nature and is intended to
11	become a part of the Sitka General Code.
12 13	2. <b>SEVERABILITY.</b> If any provision of this ordinance or any application thereof
14	to any person or circumstance is held invalid, the remainder of this ordinance and application
15	thereof to any person or circumstances shall not be affected thereby.
16	
17	3. <b>PURPOSE.</b> The purpose of this ordinance is to establish a code that defines
18	conduct and penalties considered unlawful within the City and Borough of Sitka regarding the
19	use of cell phones while operating a motor vehicle.
20 21	4. <b>ENACTMENT.</b> NOW, THEREFORE, BE IT ENACTED by the Assembly of
22	the City and Borough of Sitka that the Sitka General Code Title 10 is amended by adding a new
23	section 10.25 entitled, "Cellular Phone Use While Driving" to read as follows (new language
24	underlined; deleted language stricken):
25	
26	Title 10
27	PUBLIC PEACE, SAFETY AND MORALS
28 29	* * *
30	
31	<u>Chapter 10.25</u>
32	Cellular Phone Use While Driving
33	
34	Sections:
35 36	10.25.010 Definitions 10.25.020 Unlawful Use
37	10.25.030 Exceptions
38	10020000 Micepholis
39	<u>10.25.010 Definitions</u>
10	
41 42	A. Cell phone means a hand-held cellular telephone.
12 13	R. Use means amploying a call phone for any reason including without
13 14	B. Use means employing a cell phone for any reason including, without limitation, the following activities while holding or touching the device:
15	innation, the following detivities while holding of touching the device.
16	1. Dialing or deactivating a phone call;
17	
18	2. Speaking in or listening to a conversation, or music;

49	
50 51	3. Viewing, taking or transmitting electronic images including videos;
52	4. Composing, sending, viewing, accessing, browsing, retrieving or saving email
53	messages;
54	<del></del>
55	5. Entering or changing information in a global positioning or navigation system
56	or any software or application designed for navigation;
57	
58 59	6. Accessing or viewing an internet website or computer application or;
59 60	7. Playing a game.
61	7. Taying a game.
62	
63	C. Authorized emergency personnel means a person who is a law enforcement officer,
64	firefighter, member of a governmental emergency medical services function, or member of
65	a governmental emergency management function.
66	
67	10.25.020 Prohibited Use
68	A An ananoton of a mater webisle may not use a call phone when the webisle is in mation on
69 70	A. An operator of a motor vehicle may not use a cell phone when the vehicle is in motion, or while stopped at a stop sign or traffic light.
71	while stopped at a stop sign of traffic right.
72	
73	10.25.030 Exceptions
74	
75	A. It is an affirmative defense to prosecution of an offense under this section if:
76	
77	1. The cell phone is used in a hands-free mode of operation;
78 70	2. Use of the cell phone is for obtaining amorganizy assistance to report a crime traffic
79 80	2. Use of the cell phone is for obtaining emergency assistance to report a crime, traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be
81	committed;
82	<u>committed,</u>
83	3. Use of a cell phone is in the reasonable belief that a person's life or safety is in
84	immediate danger.
85	
86	B. 10.25.020 (A) does not apply to:
87	
88	1. Vehicle dispatching and response information for motor vehicles providing emergency
89	road service or roadside assistance;
90	2. Vahiala dianatahing information for passangar transport or freight or passangar
91 92	2. Vehicle dispatching information for passenger transport or freight or package
92 93	<u>delivery;</u>
נו	

3. Information for use in performing highway construction, maintenance, or repair or data acquisition by the municipality; or

4. Information for use in performing utility construction, maintenance, repair, or data acquisition by a public utility; in this subparagraph, "public utility" has the meaning given in AS 42.05.990;

5. Authorized emergency personnel using a cell phone while acting in an official capacity;

5. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 12th day of April, 2016.

Mim McConnell, Mayor

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112 ATTEST:
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116 Sara Peterson, CMC
117 Municipal Clerk

Ordinance No. 2016-05