

VILLAGE OF GRAFTON  
ORDINANCE NO.: 18-018

INTRODUCED BY:

MOTION BY: LESCHER

SECONDED BY: STRAH

AN ORDINANCE AMENDING CHAPTER 432.42 OF THE CODIFIED ORDINANCES  
OF THE VILLAGE OF GRAFTON, PERTAINING TO TEXTING WHILE DRIVING

WHEREAS, the Codified Ordinances for the Village of Grafton currently establish the offense of Texting While Driving as a Secondary Offense; and

WHEREAS, more and more drivers are being observed within the Village limits being involved in various traffic-related problems associated with a lack of attention to driving their vehicles; and

WHEREAS, Council has determined it necessary, and in the best interests of the Village of Grafton, and all persons traveling within the Village, to address the inappropriate and increasingly dangerous use of handheld electronic communications devices while driving, by making such misconduct a Primary Offense.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Grafton, County of Lorain, and State of Ohio:

Section 1. That, Chapter 432.42, subsections (a) and (c), which currently read as follows:

- (a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.
- (c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

are hereby amended to read:

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication, **or to send, read, create or interact with internet-based content, play games or otherwise interact with the internet.**

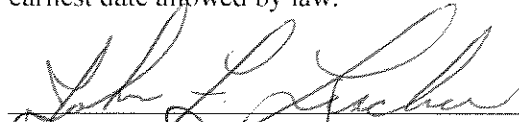
(c) **Violation of paragraph (a) of this section shall be a primary offense.**

~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.~~

Section 2. Former Chapter 432.42 subsections (a) and (c) are hereby expressly repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

Section 4. That this Ordinance shall be in full force and effect from and immediately after the earliest date allowed by law.

  
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PRESIDENT OF COUNCIL

9-4-18  
\_\_\_\_\_  
DATE PASSED


  
\_\_\_\_\_  
MAYOR

9-4-18  
\_\_\_\_\_  
DATE APPROVED

  
\_\_\_\_\_  
CLERK-TREASURER

9-4-18  
\_\_\_\_\_  
DATE ATTESTED

APPROVED AS TO FORM BY:

  
\_\_\_\_\_  
GRETCHEN A. HOLDERMAN  
DIRECTOR OF LAW