

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING SECTION 18-38 OF THE CODE OF ORDINANCES RELATING TO THE USE OF WIRELESS COMMUNICATION DEVICES WHILE OPERATING A VEHICLE TO PROVIDE THAT SECTION 18-38 SHALL NOT REGULATE OR PROHIBIT READING, WRITING, OR SENDING ELECTRONIC MESSAGES WHILE OPERATING A VEHICLE BECAUSE THIS ACTIVITY IS REGULATED AND PROHIBITED BY STATE LAW; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Denton City Council finds that there are significant risks relating to distracted driving that include various aspects of the use of wireless communication devices while driving on the City's public roadways; and

WHEREAS, this ordinance is drafted to address the City of Denton police power interests in the regulation of public safety, and appropriately adds an exclusion to the City of Denton's current ordinance regarding the use of wireless communication devices while driving by providing that this ordinance shall not regulate reading, writing, or sending electronic messages while operating a vehicle because this activity is currently prohibited by state law; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true.

SECTION 2. Section 18-38 "Use of wireless communication devices while driving" is hereby amended by adding subsection (i) to read as follows:

**Sec. 18-38 - Use of wireless communication devices while driving.**

(i) To the extent that this section conflicts with the Texas Transportation Code Section 545.4251 regarding the use of wireless communication devices while operating a motor vehicle to read, write, or send an electronic message this section does not apply.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

SECTION 4. Save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

SECTION 5. Any person found guilty of violating this Ordinance by a court of competent jurisdiction shall be fined a sum not to exceed two hundred dollars (\$200).

SECTION 6. This Ordinance providing for a penalty shall become effective 14 days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within 10 days of the date of its passage.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
AARON LEAL, INTERIM CITY ATTORNEY

BY: Stephanie M. Berry