

ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY OF SANTA CLARA, TEXAS PROHIBITING THE HANDLING OF A MOBILE COMMUNICATION DEVICE WHILE OPERATING A MOVING MOTOR VEHICLE; PROVIDING FOR A PENALTY OF A FINE IN AN AMOUNT NOT LESS THAN ONE HUNDRED FIFTY DOLLARS (\$150.00) AND NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR ENFORCEMENT, CUMULATIVE, SAVINGS AND SEVERABILITY CLAUSES, AND AN EFFECTIVE DATE

WHEREAS, the City Council finds that handling a mobile communication device while operating a moving motor vehicle has the potential to distract the driver from the safe operation of the motor vehicle; and

WHEREAS, the City Council finds that the handling of a mobile communication device to 1) engage in a call, 2) send, read, or write a message of any kind, 3) view pictures or documents, 4) engage in gaming, or 5) the handling of the device for any other purpose while operating a moving motor vehicle is a traffic hazard and a danger to the public; and

WHEREAS, the City Council finds it reasonable to prohibit the handling of a mobile communication device while operating a moving motor vehicle to protect the health safety and welfare of the citizens and community of the City of Santa Clara; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS THAT:

Section 1. Findings.

The forgoing recitals are hereby found to be true and correct and adopted by the City Council of the City of Santa Clara, Texas and are hereby incorporated into and made a part of this Ordinance for all purposes.

Section 2. Short Title.

This Ordinance shall be known as the "HANDS-FREE DRIVING ORDINANCE."

Section 3. Definitions.

- a) *City*
means the City of Santa Clara, Texas.

- b) *Driver*
means the person in actual physical control of a Motor Vehicle; also may be referred to herein as 'Operator'.

c) *Handle (or Handling; or Held)*

means the physical interaction with a Mobile Communication Device, which shall include holding or otherwise touching the mobile communication device to 1) engage in a call, 2) send, read, or write a message of any kind, 3) view pictures or documents, 4) engage in gaming, or 5) the touching, holding or any other physical interaction with the device for any other purpose.

d) *Hands-Free*

means the use or operation of a Mobile Communication Device without the Handling of the device.

e) *Mobile Communication Device*

means an electronic, two-way communication device that uses Wi-Fi internet or a commercial mobile service, as defined by 47 U.S.C. § 332, that is designed to receive and transmit electronic communication and data.

f) *Motor Vehicle*

means a self-propelled vehicle operated on a roadway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include: (1) a traction engine; (2) a road roller or grader; (3) a tractor crane; (4) a power shovel; (5) a well driller; (6) an implement of husbandry; or (7) an electric personal assistive mobility device.

g) *Park (or Parked)*

means for a Motor Vehicle to have been shifted out of any operational gear and having completely ceased movement and in a lawful manner and location. For purposes of this section, "Parked" does not include or mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or traffic congestion patterns then existing.

h) *Peace Officer*

means law enforcement officers who are required to obtain and maintain a commission through the Texas Commission on Law Enforcement as listed in Section 2.12 of the Texas Code of Criminal Procedure.

i) *Roadway*

means the entire width between property lines of a road, street, or way in the City that is not privately owned or controlled and: (1) some part of which is open to the public for vehicular traffic; and (2) over which the City has legislative jurisdiction under its police power.

Section 4. Prohibition.

It shall be unlawful for a person to Handle a Mobile Communication Device while operating a Motor Vehicle in the City. This section does not apply to a Mobile Communication Device that is:

- a) being used while the Motor Vehicle is Parked or is being driven on private property;
- b) affixed to the Motor Vehicle and being used as for global positioning or navigation;
- c) Hands-Free;
- d) being used while operating an authorized emergency Motor Vehicle in an official capacity, or by a person who is licensed by the Federal Communications Commission operating a radio frequency device.

Section 5. Enforcement.

In addition to the enforcement of this Ordinance by a Peace Officer of the City, this Ordinance may be enforced by a Peace Officer of another jurisdiction duly authorized to issue traffic citations within the City.

Section 6. Affirmative Defenses.

It shall be an affirmative defense to prosecution under this Ordinance that the driver was operating or otherwise using a Mobile Communication Device for the purpose of:

- a) reporting illegal activity to a law enforcement agency;
- b) preventing injury to another person or property; or
- c) communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding an immediate medical or other emergency.

Section 7. Offence; Penalties, Fines and Other Remedies.

- a) It shall be an offence for any person to violate or fail to comply with any of the provisions of this Ordinance.
- b) Any person committing an offence under this Ordinance shall, upon being found guilty of such offence by a Court of competent jurisdiction, be guilty of a Class "C" misdemeanor, and upon conviction thereof, shall be fined a sum of not less than one hundred fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00) per offence.
- c) The penal provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin continued offences of this Ordinance. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 8. Cumulative.

This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed. Any and all previous versions of this Ordinance are repealed.

Section 9. Severability.

It is hereby declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance or the application thereof is held to be invalid such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance or the applications thereof, which can be given effect without the invalid phrase, clause, sentence, paragraph, or section.

Section 10. Savings.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

Section 11. Meeting Open to Public.


It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

Section 12. Effective Date.

This Ordinance shall be effective upon passage, approval and publication as provided by law.

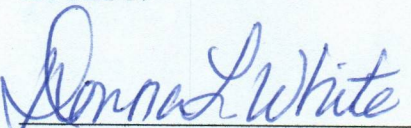
PASSED AND APPROVED this 27th day of January, 2025.





Jeff Hunt, Mayor

ATTEST:



Donna L. White, City Secretary