

ORDINANCE NO. 99- 14

**AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN DEFINING
AND REGULATING THE USE OF MOBILE TELEPHONES IN
HILLTOWN TOWNSHIP WHILE OPERATING A MOTOR
VEHICLE AND DECLARING AN EMERGENCY**

The Hilltown Township Board of Supervisors hereby ordains:

SECTION 1 - PURPOSE

The purpose of this Ordinance is to establish regulations regarding the use of mobile telephones in Hilltown Township while driving a motor vehicle. It is the position of the Township of Hilltown that the operation of a motor vehicle on the public roadways while using a telephone may cause the operator to maintain less than full time attention to the operation of said motor vehicle. The Township of Hilltown further believes that the regulation of the use of mobile telephones while operating a motor vehicle in the Township of Hilltown will enhance the safety of those persons operating motor vehicles as well as other drivers, passengers, pedestrians and the general populace of Hilltown Township.

SECTION II - DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A "Mobile Telephone" means, including but not limited to cellular, analog, wireless and digital telephones.
- B. "Use" means to use a mobile telephone in:
 - 1. Dialing
 - 2. Answering
 - 3. Talking
 - 4. Listening
- C. "Park" means for an automatic transmission vehicle that the vehicle is in the Park gear; for a standard transmission vehicle that the vehicle is in the neutral gear and the brake is being utilized or otherwise stationary.

SECTION III - TITLE AND APPLICATION OF ORDINANCE

- A. This Ordinance shall be known and may be cited as the Hilltown Township Telephone Operation Ordinance.

- B. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

SECTION IV - PURPOSE OF THE ORDINANCE

It is the purpose of this Ordinance and the policy of the Township of Hilltown to regulate the use of mobile telephones, which are used while persons are operating a motor vehicle in order to protect other persons operating motor vehicles, and pedestrians in the Township of Hilltown.

SECTION V - USES; RESTRICTIONS

A. No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the "Use" of a mobile telephone unless the operator maintains both hands on the applicable steering device.

B. Division (A) of this Section does not apply to a person who is using the mobile telephone:

1. To contact public safety forces, or
2. While maintaining the vehicle in the Park position either on public or private property, or
3. With a "hands-free device" which allows the operator to maintain both hands on the vehicle while using the mobile telephone.

SECTION VI - EXCEPTIONS

A. The provisions of this Ordinance shall not apply to law enforcement officers, operators of emergency vehicles when on duty and acting in their official capacities.

B. The use of emergency 911 phone numbers shall not be prohibited for any person operating a motor vehicle in Hilltown Township.

SECTION VII - PROCEDURE UPON VIOLATION

Anyone who shall violate the provisions of this Ordinance while operating his or her motor vehicle in addition to any other violation of the Pennsylvania Motor Vehicle Code; and to the extent that such violations occurred, shall upon conviction hereof, be sentenced to pay a fine of not more than Seventy Five Dollars (\$75.00).

SECTION VIII - REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed

SECTION IX- SEVERABILITY

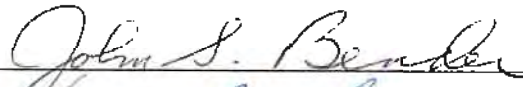
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provision of this Ordinance.


SECTION X - EFFECTIVE DATE


This Ordinance shall become effective five days after its adoption.

ENACTED AND ORDAINED into an Ordinance is 27th day of December, 1999 by the Board of Supervisors of the Township of Hilltown in lawful session duly assembled.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS







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