

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, OF THE CITY OF LAGO VISTA CODE OF ORDINANCES BY ADDING A NEW ARTICLE 12.1900, ENTITLED "USE OF HAND-HELD MOBILE TELEPHONES IN SCHOOL ZONES;" PROHIBITING THE USE OF A HAND-HELD MOBILE COMMUNICATION DEVICE TO ENGAGE IN A TELEPHONE CALL OR TO SEND, READ, AND/OR WRITE A TEXT MESSAGE WHILE OPERATING A MOVING MOTOR VEHICLE IN AN ACTIVE REDUCED SPEED SCHOOL ZONE WHERE PROHIBITED BY SIGN; DIRECTING THE CITY MANAGER TO ERECT SIGNS SAME IN AFFECTED AREA; PROVIDING FOR A PENALTY OF UP TO \$200.00 PER VIOLATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, to further serve and protect school-aged children traveling to and from schools and other educational facilities throughout the state, the State of Texas has adopted certain laws regulating the speed of motor vehicles in a "school zone" with said laws applying only on official school days and during the hours when the school zone is in effect; and

WHEREAS, using a hand-held mobile telephone (a/k/a "cell phone") while operating a motor vehicle necessarily **distracts** the actor from his or her operation of said motor vehicle and thus causes him or her to concentrate less on driving safely, and

WHEREAS, the City Council of the City of Lago Vista, Texas ("City Council") finds that the use of a hand-held mobile telephone while operating a motor vehicle in a "School Zone" (on official school days and during hours when the school zone is in effect) **creates a danger** (or probability of it) to school children and other residents; and

*Taking over off the road to turn off cell phone a distraction*  
WHEREAS, the safety of all school-aged children traveling to and from schools and other educational facilities located in the City of Lago Vista, Texas ("City") is of paramount importance to the City Council, and as such, demands a high standard of positive care and control; and

WHEREAS, "strict liability" offenses include, not only those that are regulatory, public welfare or mala prohibita in nature, but also those that are designed to protect children; and