

(6) *Wireless Telephone Service* shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network commonly referred to as cellular service or personal communication service.

Except as otherwise provided below, it shall be unlawful for a person to drive or operate a motor vehicle in a school zone, on official school days, during the hours when school zones are in effect, and when school zone signs and signs prohibiting hand-held mobile telephone use are posted in place, while using a hand-held mobile telephone to engage in a call or to create, send and/or read a text message.

(d) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. "Immediate proximity" shall mean that distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear.

(e) Subsection (c) shall not apply to:

(1) The use of a mobile telephone for the sole purposes of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital; a physician's office or health clinic; the City's Public Safety Facility;

(2) Any law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, or any fire safety officials in the performance of duties arising out of and in the course of their employment as such, or

(3) The use of a hand-free mobile telephone when being used in a hands-free manner.

(f) The violation of this section is a strict liability offense.

SECTION 3. The City Council hereby directs the City Manager to cause the placement of signs prohibiting hand-held mobile telephone use in affected school zones.

SECTION 4. That any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense. Each and every telephone call or text message shall be deemed to constitute a separate offense.

SECTION 5. All provisions of the ordinances of the City of Lago Vista in conflict with the provisions of this ordinance be and the same are hereby repealed to the

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How do police determine do they need a warrant?

Do they not use hands free, do they use cell phones?

not previously mentioned