

ORDINANCE NO. 13392

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 24, TO ADD A NEW SECTION 24-50, ENTITLED PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Chapter 24, Section 24-50, be amended by adding the following new section:

Sec. 24-50. Prohibited use of hand-held mobile telephone in marked school zone.

(a) As used in this section:

- (1) "Hands-free device" means a device that is designed to allow two-way communication via mobile telephone without the necessity of holding the mobile telephone, such as a speakerphone or headset; and
- (2) "Mobile telephone" means a cellular, analog, wireless, or digital device that provides for voice communication or for both voice and data communication. "Mobile telephone" does not include a two-way radio or push-to-talk device.
- (3) It is an offense for a person to knowingly operate a motor vehicle in any marked school zone in the city, when a warning flasher or flashers are in operation, and talk on a hand-held mobile telephone while the vehicle is in motion.

(b) This section shall not apply to the following persons:


- (1) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;
- (2) Campus police officers and public safety officers, as defined by T.C.A. § 49-7-118, when in the actual discharge of their official duties;

- (3) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;
 - (4) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties; and
 - (5) Persons using a mobile telephone to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.
- (c) A violation of subsection (b) is punishable by a fine not to exceed fifty dollars (\$50.00) for each offense.
 - (d) Any person violating this section is subject to the imposition of court costs; provided, that the court costs shall not exceed ten dollars (\$10.00). No state or local litigation taxes are applicable to a case prosecuted under this section.
 - (e) A traffic citation that is based solely upon a violation of this section is a nonmoving traffic violation, and no points shall be added to a driver record for the violation.
 - (f) This ordinance adopts the provisions of T.C.A. § 55-8-207 as it exists now and as it may be amended in the future regarding use of hands free devices in school zones.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two


(2) weeks from and after its passage.

Passed on second and final reading: November 6, 2018



 CHAIRPERSON

APPROVED: DISAPPROVED:



 MAYOR