

ORDINANCE NO. 2008 - 03

COVINGTON TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA

AN ORDINANCE MAKING IT UNLAWFUL
TO USE A CELL PHONE WHILE DRIVING
IN THE TOWNSHIP

Whereas, the Vehicle Code of the Commonwealth of Pennsylvania provides that local authorities may exercise powers granted under Chapter 61 of the Code by a duly enacted ordinance;

Whereas, Chapter 61 provides that a reasonable exercise of police power is adopting and enforcing experimental regulations as may be necessary to cover special conditions;

Whereas, Covington Township has found studies that conclude when a driver uses a mobile phone while driving there is an increased likelihood of a crash resulting in injury; and

Whereas, the Board of Supervisors has the duty to provide for the health and safety of the citizens of the Township.

NOW THEREFORE, to provide for the health and safety of the citizens of Covington Township by reducing the risk of injury from a vehicle accident, the Board of Supervisors hereby makes the following regulations for the use of cell phones while driving in the Township.

1. No person shall use a cell phone while driving a vehicle in Covington Township, when the vehicle is moving at the time that the person is using the cell phone.

2. Violation of this ordinance shall be a summary offence and enforcement shall be by an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

3. The initial determination of a violation of this ordinance and the service of notice of a violation is delegated to any police officer authorized to issue citations for vehicle code violations in the Commonwealth of Pennsylvania.

4. Any person who shall violate the terms or conditions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$300.00 and/or imprisonment to the extent allowed by law for the punishment of a summary offense.

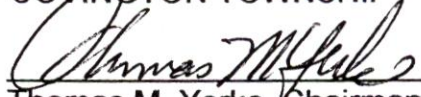
5. The provisions of this Ordinance are severable. If any article, clause, provision or portion of this Ordinance shall be held to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Covington Township that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, or section had not been included herein.

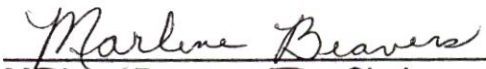
This Ordinance shall become effective five (5) days after enactment.

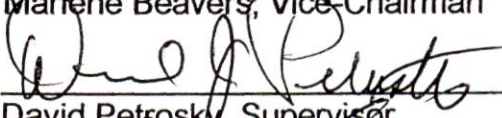
ORDAINED AND ENACTED into law by the Board of Supervisors of Covington

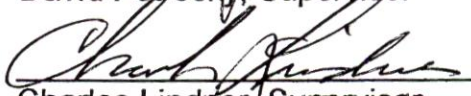
Township this 5th day of August, 2008.

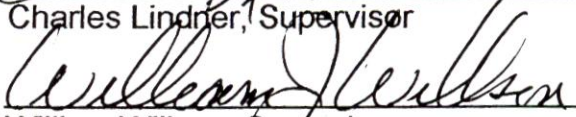
BOARD OF SUPERVISORS OF
COVINGTON TOWNSHIP


Thomas M. Yerke, Chairman


Marlene Beavers, Vice-Chairman


David Petrosky, Supervisor


Charles Lindner, Supervisor


William Willson, Supervisor

ATTEST:


Kate Tierney, Township Secretary