

**RETURN FOR RECONSIDERATION
(VETO MEMORANDUM)**

The below referenced ordinance or resolution, a copy of which is attached hereto as passed by city council, has not been signed or approved by the mayor. Under the authority granted me by the City of Shoreacres City Code, Sec. 2-37, and the Texas Local Government Code, Sec. 52.003, I am returning said resolution or ordinance for city council reconsideration. My objections to the passage and adoption are set out below.

Ordinance/Resolution

No. O-2017-267

Caption

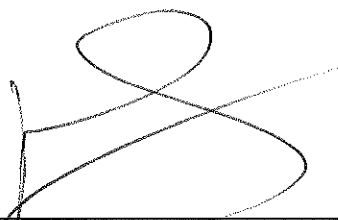
AN ORDINANCE REPEALING SHOREACRES CITY CODE SECTION 62-6 RESTRICTING THE USE OF ELECTRONIC MESSAGING WHILE DRIVING A MOTOR VEHICLE; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Date Passed by City Council

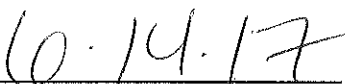
June 12, 2017

Statement of Objection(s)

State law regarding electronic messaging and cellular telephone use does not go into effect until September 1, 2017. I am returning this to city council so that they can reconsider the effective date of the repeal of Sec. 62-6.



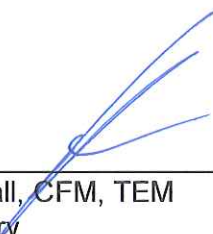
Kimberly Sanford, Mayor



Date

NOTICE TO SHOREACRES CITY COUNCIL

The above referenced ordinance or resolution has been returned to the city secretary's office unsigned and with objections before the fourth day after passage. In accordance with city code and state law this ordinance or resolution will be placed on the next city council agenda for the purpose of reconsideration of the vote taken on the date shown above. This ordinance or resolution is not now effective and will not become effective except upon the affirmative vote of three council members at the time of reconsideration. If approved upon reconsideration the ordinance or resolution will become effective with or without the mayor's signature.



David K. Stall, CFM, TEM
City secretary

06.14.2017

Date

**ORDINANCE No. 2017-267
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE REPEALING SHOREACRES CITY CODE SECTION 62-6 RESTRICTING THE USE OF ELECTRONIC MESSAGING WHILE DRIVING A MOTOR VEHICLE; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS:

That section 62-6 of the Shoreacres City Code is hereby repealed:

~~[Sec. 62-6.—Electronic messaging while driving.~~

~~(a) Definitions. The following definitions apply to this section:~~

~~(1) Electronic message means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, a text-based communication, a command or request to access an internet site, or other data that uses a commonly recognized electronic communications protocol.~~

~~(2) Wireless communication device has the meaning assigned in V.T.C.A., Transportation Code § 545.425 (Use of Wireless Communication Device; Offense).~~

~~(b) A driver of a motor vehicle may not use a communication device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle in a driving lane, including when stopped in a driving lane, except:~~

~~(1) Making a telephone call;~~

~~(2) Operating a global positioning or navigation system that is affixed to the vehicle;~~

~~(3) Obtaining emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, fire, explosion or hazardous material release;~~

~~(4) To prevent or report the immediate commission of a crime;~~

~~(5) In the reasonable belief that a person's life or safety is in immediate danger;~~

~~(6) If the device is permanently installed inside the vehicle; or~~

~~(7) Solely operated in a voice-activated or other hands-free mode.~~

~~(c) This section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.~~

~~(d) To the extent that this section conflicts with the V.T.C.A., Transportation Code § 545.424, as amended, regarding the use of wireless communication devices while operating a motor vehicle by minors, or V.T.C.A., Transportation Code § 545.425, as amended, regarding use of wireless communication devices in school crossing zones, state law shall control.~~

~~(e) The violation of any provision of this section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding \$500.00.]~~

* * * *

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED this the 12th day of June, 2017.

(CITY SEAL)

Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	R. Hoskins	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Z	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	F. Ramos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed

David Stall, City Secretary - Date 06.12.17