

ORDINANCE NO. 241-13

BY: **BRIAN DAY**  
(By Request – Law Director)

AN ORDINANCE TO AMEND A PORTION OF  
SUBSECTION (a) OF SECTION 331.46 “USE  
OF EARPHONES WHILE DRIVING” OF THE  
CODIFIED ORDINANCES OF THE CITY OF  
PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That a portion of subsection (a) of Section 331.46 “Use of Earphones While Driving” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“331.46 USE OF EARPHONES WHILE DRIVING.

(a) No person shall operate a motor vehicle while wearing earphones over, or earphones in, both ears. As used in this section, ‘earphones’ means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. ‘Earphones’ does not include speakers or other listening devices that are built into protective headgear.”

...

**is hereby amended to read as follows:**

“331.46 USE OF EARPHONES WHILE DRIVING.

(a) No person shall operate a motor vehicle while wearing earphones over, or earphones in, both ears. As used in this section, ‘earphones’ means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other **AUDIO** information through ~~a~~ **DEVICES THAT INCLUDE, BUT NOT LIMITED TO, CELL PHONES, IPADS, IPODS OR OTHER SUCH DEVICES THAT ARE** attached to the head and that covers all or a portion of both ears. ‘Earphones’ does not include speakers or other listening devices that are built into protective headgear.”

...

Section 2. That only that portion of subsection (a) of Section 331.46 “Use of Earphones While Driving” of the Codified Ordinances of the City of Parma, as it existed heretofore, is hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Pg. 2 of L-241-13 Ord. to amend a portion of subsection (a) of Section 331.46 "Use of Earphones While Driving" of the Codified Ordinances of the City of Parma, and declaring an emergency

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to make this amendment in the Codified Ordinances, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO