

March 9, 2026

The City Council of Earlham, Iowa, met in regular session, in the Council Chambers, City Hall, Earlham, Iowa, at 7:00 o'clock P.M., on the above date. There were present Mayor Jeffrey Lillie, in the chair, and the following named Council Members:

\_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_

Council Member \_\_\_\_\_ introduced the following Ordinance entitled "ORDINANCE NO. 480 AMENDING CHAPTER 62 OF THE EARLHAM CODE OF ORDINANCES PERTAINING TO GENERAL TRAFFIC REGULATIONS BY ADDING NEW SECTION 62.08 PERTAINING TO USE OF ELECTRONIC DEVICE WHILE DRIVING IN THE CITY OF EARLHAM, IOWA," and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The ordinance was read and considered by the Council. The Mayor called for a vote on the motion, and the roll was called and the vote was,

Ayes: \_\_\_\_\_

\_\_\_\_\_

Nays: \_\_\_\_\_

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that the rule requiring that the ordinance be considered on three (3) different occasions be suspended. The Mayor called for a vote on the motion, and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

\_\_\_\_\_

Nays: \_\_\_\_\_

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that the ordinance entitled: "ORDINANCE NO. 480 AMENDING CHAPTER 62 OF THE EARLHAM CODE OF ORDINANCES PERTAINING TO GENERAL TRAFFIC REGULATIONS BY ADDING NEW SECTION 62.08 PERTAINING TO USE OF ELECTRONIC DEVICE WHILE DRIVING IN THE CITY OF EARLHAM, IOWA," be now put upon its final passage and adoption, and the roll being called, the following Council Members voted:

Ayes: \_\_\_\_\_

\_\_\_\_\_

Nays: \_\_\_\_\_

Whereupon, the Mayor declared the ordinance duly adopted, and the Clerk assigned it the Number:

ORDINANCE NO. 480

ORDINANCE NO. 480 AMENDING CHAPTER 62 OF THE EARLHAM CODE OF ORDINANCES PERTAINING TO GENERAL TRAFFIC REGULATIONS BY ADDING NEW SECTION 62.08 PERTAINING TO USE OF ELECTRONIC DEVICE WHILE DRIVING IN THE CITY OF EARLHAM, IOWA.

Be it Enacted by the Council of the City of Earlham, Iowa:

**Section 1.** Chapter 62 of the Earlham Code of Ordinances is hereby amended by adding Section 62.08 which shall read as follows:

**Use of electronic device while driving.**

1. For purposes of this section:

a. "Electronic device" means a device that is powered by electricity, including by a battery, and that is capable of being used to compose, send, receive, or read an electronic message, or that is capable of storing, retrieving on-demand, or displaying videos, movies, broadcast television images, visual images, or audio or video data files. "Electronic device" includes but is not limited to a telephone including a cellular telephone, personal digital assistant, portable or mobile computer including a tablet, two-

way messaging device, electronic gaming device, and any substantially similar portable device that is used to initiate, store, or receive electronic communication, information, or data. "Electronic device" does not include a device that is physically or electronically integrated into a motor vehicle, including but not limited to an integrated global positioning system or navigation system when the destination is entered into such system before the vehicle is in motion.

b. "Use" includes but is not limited to holding, viewing, or manipulating an electronic device.

c. "Voice-activated or hands-free mode" means an attachment, accessory, application, wireless connection, or built-in feature of an electronic device or motor vehicle that allows a person to use verbal commands or a single touch to activate or deactivate the device or a function or software application of the device. "Voice-activated or hands-free mode" does not include accessing nonnavigation video content, engaging in a video call, accessing or engaging in video streaming, accessing gaming data, or reading an electronic message or notification.

2. A person shall not use an electronic device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway, or as far away from the center of the roadway as is practicable if the vehicle cannot be entirely removed from the traveled portion of the roadway.

a. A person does not violate this section by using an electronic device in a voice-activated or hands-free mode.

b. The provisions of this subsection relating to the use of an electronic device do not apply to the following persons:

(1) A member of a public safety agency, as defined in section 34.1, Code of Iowa, performing official duties.

(2) A health care professional in the course of an emergency situation.

(3) A person receiving safety-related information including emergency or weather alerts.

(4) A person using an electronic device for the purpose of reporting an emergency situation, including any continued communication with emergency personnel during the emergency situation or public transit personnel responding to a transit-specific situation.

(5) A person operating an implement of husbandry.

(6) A person using a two-way radio transmitter or receiver who is licensed with the federal communications commission in amateur radio service.

(7) A member of a public transit system, as defined in section 324A.1, Code of Iowa, performing official duties while in a vehicle that is not in motion.

(8) A utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle, for the purpose of providing utility services including but not limited to cable, electric, natural gas, telephone, telecommunication, water, and wastewater treatment services, provided the employee or contractor is acting within the scope of their employment or agency.

(9) A transportation network company driver, as defined in section 321N.1, Code of Iowa, while engaged in a prearranged ride, as defined in section 321N.1, Code of Iowa, provided the vehicle is not in motion.

(10) A person using an electronic device for the purpose of accessing or using a fleet management system.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate an electronic device from the driver or occupant of a motor vehicle.

4. *a.* A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "1", Code of Iowa.

*b.* A violation of this section shall be considered a moving violation for purposes of this chapter and rules adopted pursuant to this chapter.

**Section 2. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. When Effective.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council this 9th day of March, 2026, and approved this 9th day of March, 2026.

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Jeffrey Lillie, Mayor

ATTEST:

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Jessica L. Visser, City Clerk/Treasurer