

NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, CHAPTER 50, SECTION 50-2 (PENALTY ASSESSMENTS), AND CERTAIN PROVISIONS OF THE TOWN OF SILVER CITY TRAFFIC CODE

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to the Town of Silver City Code of Ordinances. This notice is given the title as follows:

ORDINANCE NO. 1289

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, CHAPTER 50, SECTION 50-2 (PENALTY ASSESSMENTS), AND CERTAIN PROVISIONS OF THE TOWN OF SILVER CITY TRAFFIC CODE

Sponsored by Mayor Ken Ladner

WHEREAS, in Ordinance No. 1275 the Town Council of the Town of Silver City has adopted the New Mexico Uniform Traffic Code, 2018 Compilation (hereinafter, the “UTC”), effective July 2018 with certain superceding amendments, as the Town’s Traffic Code; and

WHEREAS, since the adoption of the 2018 UTC with the amendments thereto, there have been further amendments which the Town Council intends to incorporate therein; and

WHEREAS, the Town Council finds that this ordinance is in the public interest, and necessary to the health, safety and welfare of the Town and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

Chapter 50, Section 50-2 Penalty assessments. is amended by adding the following penalty assessment:

DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE, 12-6-12.2A,
\$300.00

UTO Chapter 12, Section 12-6-12.6 A (6) is amended by deleting the first sentence of that paragraph and replacing said sentence as follows:

(6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended, whether by court order, by operation of law, or by administrative suspension or revocation, and who knows or should have known that his license is suspended or revoked.

UTO Chapter 12, Section 12-6-12.2A is a new section, to read as follows:

12-6-12.2A DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE

- A. Driving while intoxicated with a minor in the vehicle consists of a person committing a violation of 12-6-12.1 when a minor is in the vehicle and when the minor does not suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the vehicle is guilty of a misdemeanor.
- B. A charge for a violation of Subsection A of this section shall be in addition to a charge for the violation of 12-6-12.2 and shall be punished as a separate offense.
- C. As used in this section, “minor” means an individual who is younger than thirteen years of age.

UTO Chapter 12, Section 12-9-9A. PARKING IN DESIGNATED DISABLED PARKING SPACES. is deleted in its entirety and replaced with:

12-9-9. PARKING IN DESIGNATED DISABLED PARKING SPACES.

- A. It is unlawful for any person to park a motor vehicle not carrying registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block access to any part of a curb cut for a designated accessible parking space and designed for access by persons with significant mobility limitations. Any person who violates this section shall be subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or special registration plate issued pursuant to Section 66-3-16

NMSA 1978 is not a defense against a charge of violation of Subsection A of this section.
(66-7-352.5 NMSA 1978)

UTO Chapter 12-10-6D (MANDATORY FINANCIAL RESPONSIBILITY) is amended by adding a new subsection referenced as 12-10-6 D. (5) which reads as follows:

(5) When financial responsibility is satisfied through coverage under a motor vehicle insurance policy, the owner's or operator's carrying of evidence in print or accessible through a portable electronic device is acceptable. An owner or operator of a vehicle who provides evidence of financial responsibility through a portable electronic device.

a. assumes all liability for any resulting damage to the portable electronic evidence; and

b. is presumed not to consent to provide access to a law enforcement officer to any other information stored in the portable electronic device.

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PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this _____ day of _____, 2020.

(Seal)

TOWN OF SILVER CITY

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to March 24, 2020.

/s/ _____
Ann L. Mackie, Town Clerk
Notice of Intent Ordinance No. 1289

2-26-2020
Date