

**NOTICE OF INTENT
TO ADOPT AN ORDINANCE REPEALING UNIFORM TRAFFIC CODE SECTIONS
12-6-12.18(6) AND 12-6-18D AND AMENDING CHAPTER 50, SECTION 50-2
(PENALTY ASSESSMENTS) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

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

ORDINANCE NO. 1234

**AN ORDINANCE REPEALING UNIFORM TRAFFIC CODE SECTIONS 12-6-12.18(6)
AND 12-6-18D AND AMENDING CHAPTER 50, SECTION 50-2 (PENALTY
ASSESSMENTS) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

Sponsor: Councilor Jose A. Ray, Jr.

WHEREAS, pursuant to Chapter 50, Section 50-1, the Town has adopted as its traffic code the New Mexico Uniform Traffic Code, 2010 compilation as amended (“UTO”); and

WHEREAS, the most recent UTO amendments include a new provision banning texting while driving; and

WHEREAS, prior to the UTO amendments, the Town had amended the UTO with its own version of a ban on texting while driving, all contained in Ordinance No. 1207 whereby a new Section 12-6-12.18(6) was added; and

WHEREAS, the Town Council chooses to adopt substantially all the newly created UTO provisions banning texting while driving, while modifying the UTO penalty assessments associated therewith; and

WHEREAS, the Town Council finds that repealing UTO Sections 12-6-12.18(6) and 12-6-18D, and further amending the Town of Silver City Penalty Assessment Schedule contained in Municipal Code Chapter 50, Section 50-2 is necessary for the health, safety and welfare of the people of the Town of Silver City;

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

UTO Section 12-3-12.18(6) is hereby repealed.

UTO Section 12-6-18 (Texting While Driving), subsection D is deleted.

Chapter 50, Section 50-2 (Penalty Assessment Schedule) is amended as follows:

The offense of **“Texting while driving”** shall be added to the list of “Common Name of Offense”, the UTO Section **12-6-18** shall be added to the “Ordinance Violated”, and the Penalty Assessment” therefor shall be **“\$100”** for violation of UTO 12-6-18.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this _____ day of _____, 2014.

(Seal)

TOWN OF SILVER CITY

Michael S. Morones, 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 _____, 2014.

Ann L. Mackie, Town Clerk

Date