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HOUSE BILL 897

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Earlene Roberts

AN ACT

RELATING TO MUNICIPALITIES; LIMITING A MUNICIPALITY'S PLANNING AND PLATTING JURISDICTION UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-19-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-18-5, as amended) is amended to read:

"3-19-5. PLANNING AND PLATTING JURISDICTION. --

A. Each municipality shall have planning and platting jurisdiction within its municipal boundary. Except as provided in Subsection B or C of this section, the planning and platting jurisdiction of a municipality:

- (1) having a population of twenty-five thousand or more persons includes all territory within five miles of its boundary and not within the boundary of another municipality; or**

underscored material = new
[bracketed material] = delete

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1 (2) having a population of [~~less~~] fewer than
2 twenty-five thousand persons includes all territory within
3 three miles of its boundary and not within the boundary of
4 another municipality.

5 B. A municipality having a population over two
6 hundred thousand persons located in a class A county shall
7 have planning and platting jurisdiction within five miles of
8 the boundary of the municipality shared with the county and
9 not within the boundary of another municipality through the
10 extraterritorial land use commission that shall make
11 recommendations to the extraterritorial land use authority.

12 C. For municipalities with a population of two
13 hundred thousand persons or fewer:

14 (1) unless the planning commission for the
15 municipality has prepared and adopted a master plan pursuant
16 to Section 3-19-9 NMSA 1978, the municipality has no planning
17 and platting jurisdiction outside the boundaries of the
18 municipality; and

19 (2) if the planning commission for the
20 municipality has prepared and adopted a master plan pursuant
21 to Section 3-19-9 NMSA 1978, the municipality may exercise its
22 planning and platting jurisdiction outside the boundaries of
23 the municipality only for the planning of utility and
24 transportation corridors.

25 [~~C.~~] D. If territory not lying within the

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[bracketed material] = delete

1 boundary of a municipality is within the planning and platting
2 jurisdiction of more than one municipality, the planning and
3 platting jurisdiction of each municipality shall terminate
4 equidistant from the boundary of each municipality unless one
5 municipality has a population of [~~less~~] fewer than two
6 thousand five hundred persons and another municipality has a
7 population of more than two thousand five hundred persons
8 according to the most recent census. Then the planning and
9 platting jurisdiction of the municipality having the greatest
10 population extends to such territory. "