

AN ACT  
RELATING TO MUNICIPALITIES; PROVIDING FOR FLOOD PLAIN  
REGULATION.

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

Section 1. Section 3-18-7 NMSA 1978 (being Laws 1975, Chapter 14, Section 1) is amended to read:

"3-18-7. ADDITIONAL COUNTY AND MUNICIPAL POWERS-- FLOOD AND MUDSLIDE HAZARD AREAS-- BUILDING AND FLOOD PLAIN PERMITS-- LAND USE CONTROL-- JURISDICTION-- AGREEMENT. --

A. For the purpose of minimizing or eliminating damage from floods or mudslides in federal emergency management agency and locally designated flood-prone areas, and for the purpose of promoting health, safety and the general welfare, a county or municipality may by ordinance:

- (1) designate and regulate flood plain areas having special flood or mudslide hazards;
- (2) prescribe standards for constructing, altering, installing or repairing buildings and other improvements under a permit system within a designated flood or mudslide hazard area;
- (3) require review by the local flood plain manager for development within a designated flood or mudslide hazard area provided final decisions are approved by the local governing body;
- (4) review subdivision proposals and other

new developments within a designated flood or mudslide hazard area to ensure that:

(a) all such proposals are consistent with the need to minimize flood damage;

(b) all public utilities and facilities such as sewer, gas, electrical and water systems are designed to minimize or eliminate flood damage; and

(c) adequate drainage is provided so as to reduce exposure to flood hazards;

(5) require new or replacement water supply systems or sanitary sewage systems within a designated flood or mudslide hazard area to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding; and

(6) designate and regulate floodways for the passage of flood waters.

B. A flood plain ordinance adopted pursuant to this section shall substantially conform to the minimum standards prescribed by the federal insurance administration, regulation 1910 issued pursuant to Subsection 7(d), 79 Stat. 670, Section 1361, 82 Stat. 587 and 82 Stat. 575, all as amended.

C. A county or municipality that enacts a flood plain ordinance shall designate a person, certified pursuant to the state-certified flood plain manager program, as the flood plain manager to administer the flood plain ordinance.

D. A county or municipality shall have exclusive jurisdiction over flood plain permits issued under its respective flood plain ordinance and in accordance with this section and so long as it is enforced by an approved inspector pursuant to the Construction Industries Licensing Act. Notwithstanding Section 3-18-6 NMSA 1978, when a municipality adopts a flood plain ordinance pursuant to Paragraph (2) of Subsection A of this section, the municipality's jurisdiction under the flood plain ordinance shall take precedence over a respective county flood plain ordinance within the municipality's boundary and within the municipality's subdividing and platting jurisdiction.

E. A county or municipality shall designate flood plain areas having special flood or mudslide hazards in substantial conformity with areas identified as flood- or mudslide-prone by the federal insurance administration pursuant to the national flood insurance program.

F. A municipality or county adopting a flood plain ordinance pursuant to this section may enter into reciprocal agreements with any agency of the state, other political subdivisions or the federal government in order to effectively carry out the provisions of this section.

G. Within their respective jurisdiction, the department of public safety, the department of environment or the construction industries division of the regulation and licensing department may assist counties or municipalities when requested by a county or municipality to provide technical advice and assistance. "\_\_\_\_\_

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