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HOUSE BILL 455

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DELORES C. WRIGHT

AN ACT

RELATING TO SUBDIVISION PLATS; CHANGING THE PROCEDURE FOR
MUNICIPAL APPROVAL OF SUBDIVISION PLATS.

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

Section 1. Section 3-20-7 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-19-7) is amended to read:

"3-20-7. SUBDIVISION WITHIN THE PLATTING JURISDICTION OF A
MUNICIPALITY--APPROVAL OF THE PLANNING AUTHORITY--PROCEDURE--
FILING FEE--NOTICE OF HEARING.--

A. Before a plat of any subdivision within the
jurisdiction of a municipality is filed in the office of the
county clerk, the plat shall be submitted to the planning
authority of the municipality having jurisdiction for approval.

B. The rules and regulations of the planning
authority shall state:

Underscored material = new
[bracketed material] = delete

1 (1) the scale and manner in which the plat is
2 to be prepared;

3 (2) the number of copies of the plat [~~which~~
4 that shall accompany the original plat;

5 (3) what other information shall accompany the
6 plat; and

7 (4) the standards and regulations for
8 subdivisions to which the planning authority may require the
9 subdivider to conform.

10 C. The person submitting the plat shall pay the
11 necessary filing fee to the municipality, and the planning
12 authority, after approval and endorsement, shall file the plat
13 with the county clerk. If the plat is not approved, the
14 planning authority shall return the filing fee and the plat to
15 the person submitting the plat.

16 D. A plat submitted for approval by the planning
17 authority shall contain the name and address of the person to
18 whom a notice of hearing shall be sent. Notice of the time and
19 place of a hearing on a plat shall be sent by mail to the
20 address on the plat not less than five days before the day of
21 the hearing. No plat shall be acted upon without a public
22 hearing unless the requirement that a public hearing be held is
23 waived by the person seeking approval of the plat.

24 E. The planning authority of a municipality shall
25 approve or disapprove a plat within thirty-five days of the day

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1 of final submission of the plat. If the planning authority does
2 not act within thirty-five days, the plat is deemed to be
3 approved, and upon demand, the planning authority shall issue a
4 certificate approving the plat. The person seeking approval of
5 the plat may waive this requirement and agree to an extension of
6 this time period. The reason for disapproval of a plat shall be
7 entered upon the recordings of the planning authority.

8 F. No plat of territory within the planning and
9 platting jurisdiction of a municipality shall be filed and
10 recorded unless it has been approved by

11 [~~(1) the planning commission and endorsed by~~
12 ~~the chairman and secretary of the planning commission; or~~

13 ~~(2) the governing body and endorsed by the~~
14 ~~mayor and clerk of the municipality if the governing body has~~
15 ~~reserved this power in creating the planning commission or if~~
16 ~~there is no planning commission] the municipality pursuant to
17 regulations and procedures adopted by ordinance of the governing
18 body. "~~