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HOUSE BILL 1017

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES G. TAYLOR

AN ACT

RELATING TO PLANNING AND PLATTING JURISDICTION; AMENDING
SECTIONS 3-19-5 AND 3-20-5 NMSA 1978 (BEING LAWS 1965, CHAPTER
300, SECTIONS 14-18-5 AND 14-19-5, AS AMENDED).

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
planning jurisdiction within its municipal boundary. The
planning and platting jurisdiction of a municipality:

(1) having a population of twenty-five thousand
or more persons but less than two hundred thousand 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

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

5 B. If territory not lying within the boundary of a
6 municipality is within the planning and platting jurisdiction of
7 more than one municipality, the planning and platting
8 jurisdiction of each municipality shall terminate equidistant
9 from the boundary of each municipality unless one municipality
10 has a population of less than two thousand five hundred persons
11 and another municipality has a population of more than two
12 thousand five hundred persons according to the most recent
13 census. Then the planning and platting jurisdiction of the
14 municipality having the greatest population extends to such
15 territory. "

16 Section 2. Section 3-20-5 NMSA 1978 (being Laws 1965,
17 Chapter 300, Section 14-19-5, as amended) is amended to read:

18 "3-20-5. COUNTY AND MUNICIPAL JURISDICTION OVER
19 SUBDIVISION-- CONCURRENT JURISDICTION-- ACCEPTANCE OF UNAPPROVED
20 STREETS-- EXERCISE OF JURISDICTION. --

21 A. For the purpose of approving the subdivision and
22 platting of land:

23 (1) the jurisdiction of a county includes all
24 territory not within the boundary of a municipality;

25 (2) the jurisdiction of a municipality having a

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[bracketed material] = delete

1 population of twenty-five thousand or more persons but less than
2 two hundred thousand persons according to the most recent census
3 includes all territory within five miles of the boundary of the
4 municipality and not within the boundary of another
5 municipality; and

6 (3) the jurisdiction of a municipality having a
7 population of less than twenty-five thousand persons according
8 to the most recent census includes all territory within three
9 miles of the municipal boundary and not within the boundary of
10 another municipality.

11 Each municipality shall have jurisdiction over the
12 territory within its boundary.

13 B. If territory not lying within the boundary of a
14 municipality is within the platting jurisdiction of more than
15 one municipality, the platting jurisdiction of each municipality
16 shall terminate equidistant from the boundary of each
17 municipality unless one municipality has a population according
18 to the most recent census of less than two thousand five hundred
19 persons and another municipality has a population according to
20 the most recent census of more than two thousand five hundred
21 persons. Then the platting jurisdiction of the municipality
22 having the greatest population extends to such territory.

23 C. The county and a municipality shall exercise
24 concurrent jurisdiction over territory within the platting
25 jurisdiction of both the county and the municipality.

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