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HOUSE BILL 523

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Delores C. Wright

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE MUNICIPAL
CODE PROVIDING FOR ANNEXATION AND CREATION OF TRADITIONAL
HISTORIC COMMUNITIES.

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

Section 1. Section 3-2-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-2-3, as amended) is amended to read:

"3-2-3. URBANIZED TERRITORY--INCORPORATION LIMITED
WITHIN URBANIZED TERRITORY. --

A. Urbanized territory is that territory within
the same county and within five miles of the boundary of any
municipality having a population of five thousand or more
persons and that territory within the same county and within
three miles of a municipality having a population of less than
five thousand persons, except that territory in a class B

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1 county with a population between ninety-five thousand and
2 ninety-nine thousand five hundred or a class A county with a
3 population between one hundred thousand and two hundred
4 thousand, based on the 1990 federal decennial census, declared
5 by an ordinance of the board of county commissioners to be a
6 traditional historic community shall not be considered
7 urbanized territory and shall not be annexed by a municipality
8 unless it is considered for annexation pursuant to a petition
9 requesting annexation signed by a majority of the registered
10 qualified electors within the traditional historic community.

11 B. No territory within an urbanized territory
12 shall be incorporated as a municipality unless the:

13 (1) municipality or municipalities causing
14 the urbanized territory approve, by resolution, the
15 incorporation of the territory as a municipality;

16 (2) residents of the territory proposed to be
17 incorporated have filed with the municipality a valid petition
18 to annex the territory proposed to be incorporated and the
19 municipality fails, within one hundred twenty days after the
20 filing of the annexation petition, to annex the territory
21 proposed to be incorporated; or

22 (3) residents of the territory proposed to be
23 annexed conclusively prove that the municipality is unable to
24 provide municipal services within the territory proposed to be
25 incorporated within the same period of time that the proposed

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1 municipality could provide municipal service.

2 C. A traditional historic community may become
3 incorporated even though it is located within what is defined
4 as urbanized territory pursuant to Subsection A of this
5 section, by following the procedures set forth in Sections
6 3-2-5 through 3-2-9 NMSA 1978. "

7 Section 2. Section 3-7-1.1 NMSA 1978 (being Laws 1995,
8 Chapter 170, Section 5 and Laws 1995, Chapter 211, Section 4)
9 is amended to read:

10 "3-7-1.1. TRADITIONAL HISTORIC COMMUNITY--
11 QUALIFICATIONS--ANNEXATION RESTRICTIONS. --

12 A. To qualify as a traditional historic community,
13 an area shall:

14 (1) be an unincorporated area of a class B
15 county with a population between ninety-five thousand and
16 ninety-nine thousand five hundred or a class A county with a
17 population between one hundred thousand and two hundred
18 thousand, based on the 1990 federal decennial census;

19 (2) be an identifiable village, community,
20 neighborhood or district that can be documented as having
21 existed for more than one hundred years;

22 (3) include structures or landmarks that are
23 associated with the identity of the specific village,
24 community, neighborhood or district seeking designation as a
25 traditional historic community;

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(4) have a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity; and

(5) be declared a traditional historic community by an ordinance of the board of county commissioners of the county in which the petitioning village, community, neighborhood or district is located.

B. A traditional historic community may be annexed by a municipality only by petition of a majority of the registered qualified electors of the territory within the traditional historic community proposed to be annexed by the municipality or by the arbitration method of annexation only upon petition of a majority of the registered qualified electors of the territory within the traditional historic community. "