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AN ACT

RELATING TO TRADITIONAL HISTORIC COMMUNITIES; REVISING
QUALIFICATIONS.

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 county
declared by an ordinance of the board of county commissioners
to be a traditional historic community shall not be
considered urbanized territory and shall not be annexed by a
municipality unless it is considered for annexation pursuant
to a petition requesting annexation signed by a majority of
the registered qualified electors within the traditional
historic community.

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

- (1) municipality or municipalities causing

1 the urbanized territory approve, by resolution, the
2 incorporation of the territory as a municipality;

3 (2) residents of the territory proposed to
4 be incorporated have filed with the municipality a valid
5 petition to annex the territory proposed to be incorporated
6 and the municipality fails, within one hundred twenty days
7 after the filing of the annexation petition, to annex the
8 territory proposed to be incorporated; or

9 (3) residents of the territory proposed to
10 be annexed conclusively prove that the municipality is unable
11 to provide municipal services within the territory proposed
12 to be incorporated within the same period of time that the
13 proposed municipality could provide municipal service.

14 C. A traditional historic community may become
15 incorporated even though it is located within what is defined
16 as urbanized territory pursuant to Subsection A of this
17 section, by following the procedures set forth in Sections
18 3-2-5 through 3-2-9 NMSA 1978."

19 **SECTION 2.** Section 3-7-1.1 NMSA 1978 (being Laws 1995,
20 Chapter 170, Section 5 and Laws 1995, Chapter 211, Section 4)
21 is amended to read:

22 "3-7-1.1. TRADITIONAL HISTORIC COMMUNITY--
23 QUALIFICATIONS--ANNEXATION RESTRICTIONS.--

24 A. To qualify as a traditional historic community,
25 an area shall:

1 (1) be an unincorporated area of a county;

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

5 (3) include structures or landmarks that are
6 associated with the identity of the specific village,
7 community, neighborhood or district seeking designation as a
8 traditional historic community;

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

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

16 B. A traditional historic community may be annexed
17 by a municipality only by petition of a majority of the
18 registered qualified electors of the territory within the
19 traditional historic community proposed to be annexed by the
20 municipality or by the arbitration method of annexation only
21 upon petition of a majority of the registered qualified
22 electors of the territory within the traditional historic
23 community."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2017.