

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1598

(Reference to Senate engrossed bill)

Page 11, line 25, after the first comma strike remainder of line; strike line 26,
insert "REVERSE OR REMAND TO THE GOVERNING BODY, IN WHOLE OR IN PART, THE
DECISION REVIEWED FOR FURTHER ACTION THAT IS NECESSARY TO COMPLY WITH THE
MANDATORY REQUIREMENTS PRESCRIBED IN SECTION 9-461.05, SUBSECTION C,
PARAGRAPH 1, SUBDIVISION (g)."

Strike lines 29 through 43, insert:

"9-461.14. Public works project planning; utility input;
definitions

A. A CITY OR TOWN IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL
PROVIDE NOTICE AND OPPORTUNITY FOR COMMENT TO ALL UTILITIES THE CITY OR TOWN
BELIEVES MAY BE IMPACTED BY THE PUBLIC WORKS PROJECT FOR THE PURPOSES OF:

1. ELIMINATING OR MINIMIZING THE NEED FOR RELOCATION OF AERIAL,
SURFACE AND UNDERGROUND FACILITIES OF THE IMPACTED UTILITIES AND, IF
RELOCATION IS UNAVOIDABLE, MINIMIZING THE RELOCATION COSTS TO THE EXTENT
PRACTICABLE RELATIVE TO THE COST OF THE PUBLIC WORKS PROJECT.

2. MINIMIZING SUBSEQUENT RECONSTRUCTION OR MODIFICATION OF UTILITY
FACILITIES AFTER COMPLETION OF THE PUBLIC WORKS PROJECT.

B. FOR THE PURPOSES OF THIS SECTION:

1. "PUBLIC WORKS PROJECT" HAS THE SAME MEANING PRESCRIBED IN SECTION
12-1141.

2. "UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 48-5107."

Page 12, line 3, strike "ON BUSINESSES"

Between lines 5 and 6, insert:

"1. "FOOD AND SWIMMING POOL INSPECTION" MEANS AN INSPECTION OF A
REGULATED PERSON CONDUCTED TO ENSURE THE SAFETY OF FOOD SERVICES, SWIMMING
POOLS AND OTHER BATHING PLACES."

Renumber to conform

- 1 Page 12, between lines 23 and 24, insert:
- 2 "7. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS
- 3 AND LEGAL HOLIDAYS."
- 4 Strike lines 35 through 39
- 5 Renumber to conform
- 6 Line 43, after "WRITTEN" insert "OR ELECTRONIC"
- 7 Page 13, line 1, after the second "THE" insert "STATUTE,"
- 8 Line 11, after "MUNICIPALITY" insert "OR ON THE MUNICIPALITY'S WEBSITE"
- 9 Line 16, strike "CITY COUNCIL" insert "MUNICIPALITY"
- 10 Line 26, after "4." insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION,"
- 11 Line 30, after "TAKEN" insert "FROM THE PREMISES"
- 12 Line 33, in both places, after "SPLIT" insert "OR DUPLICATE"
- 13 Line 34, after "SAMPLES" insert ", WHERE APPROPRIATE,"
- 14 Line 43, after the first "OF" insert ", OR TWO WORKING DAYS BEFORE,"
- 15 Line 44, after the comma insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION
- 16 THAT HAS UP TO ONE WORKING DAY AFTER AN INSPECTION,"
- 17 Line 45, after "WRITING" insert "OR ELECTRONICALLY"
- 18 Page 14, line 2, after "A" insert "MUNICIPAL"
- 19 Line 15, strike "AND" insert ". UNLESS THE REGULATED PERSON AT THE TIME OF THE
- 20 INSPECTION IS INFORMED HOW THE REPORT CAN BY LOCATED ELECTRONICALLY, THE
- 21 MUNICIPALITY"
- 22 Line 21, after "OF" insert ", OR PROVIDE ELECTRONIC ACCESS TO,"
- 23 Line 41, after "THIRTY" insert "WORKING"
- 24 Line 45, after "COMPLIANCE" insert ", UNLESS THE DETERMINATION IS NOT POSSIBLE
- 25 DUE TO CONDITIONS OF NORMAL OPERATIONS AT THE PREMISES"
- 26 Page 15, line 7, strike the second "A" insert "THE"; after "UPDATE" insert ", IN
- 27 WRITING OR ELECTRONICALLY,"
- 28 Line 18, after the first "INVESTIGATIONS" strike remainder of line; line 19,
- 29 strike "GAMING COMPACTS"
- 30 Line 21, after "THE" insert "MUNICIPAL"
- 31 Line 22, after "BE" insert "OR HAS BEEN"
- 32 Page 15, strike lines 23 and 24, insert:

"3. INSPECTIONS BY A COUNTY BOARD OF HEALTH OR A LOCAL HEALTH
DEPARTMENT PURSUANT TO SECTION 36-603."

Line 25, strike "AN" insert "A MUNICIPAL"

Line 30, strike "MUNICIPALITY, BOARD OR COMMISSION" insert "MUNICIPAL"

Strike line 33, insert "ADOPTED MUNICIPAL PERSONNEL POLICY."

Strike lines 36 through 39, insert:

"M. A MUNICIPALITY MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS
SECTION.

N. THIS SECTION:

1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.

2. DOES NOT APPLY TO A MUNICIPAL INSPECTION THAT IS REQUESTED BY THE
REGULATED PERSON."

Page 16, strike lines 1 through 5

Reletter to conform

Line 39, strike the period insert "INCLUDING:

(a) ADULT BUSINESSES AND OTHER LICENSES THAT ARE RELATED TO THE FIRST
AMENDMENT.

(b) MASTER PLANNED COMMUNITIES.

(c) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES
INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL LICENSES."

Line 40, after "WRITTEN" insert "OR ELECTRONIC"

Line 42, after the period insert "IF THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE
THAN ONE DEPARTMENT OF THE MUNICIPALITY, EACH DEPARTMENT MAY ISSUE A WRITTEN
OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES."

Line 45, after "WRITTEN" insert "OR ELECTRONIC"

Page 17, line 1, after "WRITTEN" insert "OR ELECTRONIC"

Line 5, after the period insert "THE MUNICIPALITY MAY ISSUE AN ADDITIONAL
WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES
BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF THE PERMIT
SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE MUNICIPALITY,
EACH DEPARTMENT MAY ISSUE AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF

1 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE APPLICANT'S
2 SUBMISSION OF MISSING INFORMATION."

3 Page 17, lines 6 and 9, after "WRITTEN" insert "OR ELECTRONIC"

4 Line 13, after "WRITTEN" insert "OR ELECTRONIC"; after the period insert "IF THE
5 PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE
6 MUNICIPALITY, EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR
7 ADDITIONAL INFORMATION."

8 Line 14, after "WRITING" insert "OR ELECTRONICALLY"

9 Lines 16, 17, 21, 27 and 29, after "WRITTEN" insert "OR ELECTRONIC"

10 Line 35, after "OF" insert "WORKING"

11 Line 39, after "WRITTEN" insert "OR ELECTRONIC"

12 Page 18, line 1, after "THIRTY" insert "WORKING"

13 Line 6, after "SEVEN" insert "WORKING"

14 Line 7, after "OF" insert "THE"; after "APPLICATION" insert "OR PERMIT THAT
15 EXPIRE WITHIN TWENTY-ONE WORKING DAYS AFTER ISSUANCE"

16 Between lines 16 and 17, insert:

17 "4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO
18 ALLOW THE REGULATED PERSON TO USE ELECTRONIC COMMUNICATION WITH THE
19 MUNICIPALITY."

20 Line 25, after "MUNICIPALITY" insert "OR THE MUNICIPAL WEBSITE"

21 Between lines 34 and 35, insert:

22 "9-839. Exemptions

23 THIS ARTICLE DOES NOT APPLY TO:

24 1. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
25 RELATES ONLY TO THE INTERNAL MANAGEMENT OF A MUNICIPALITY AND THAT DOES NOT
26 DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR
27 DUTIES OF ANY SEGMENT OF THE PUBLIC.

28 2. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
29 RELATES ONLY TO THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF A MUNICIPAL
30 OWNED OR OPERATED FACILITIES OR PROPERTY.

31 3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
32 RELATES TO INMATES OR COMMITTED YOUTH, A CORRECTIONAL OR DETENTION FACILITY

1 UNDER THE JURISDICTION OF THE MUNICIPALITY OR A PATIENT ADMITTED TO AN
2 INSTITUTION OR TREATMENT CENTER PURSUANT TO COURT ORDER.

3 4. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
4 RELATES TO A MUNICIPAL CONTRACT."

5 Page 26, line 40, after the first comma strike remainder of line; strike line 41,
6 insert "REVERSE OR REMAND TO THE BOARD OF SUPERVISORS, IN WHOLE OR IN PART,
7 THE DECISION REVIEWED FOR FURTHER ACTION THAT IS NECESSARY TO COMPLY WITH THE
8 MANDATORY REQUIREMENTS PRESCRIBED IN SECTION 11-804, SUBSECTION B,
9 PARAGRAPH 1, SUBDIVISION (e)."

10 Page 27, strike lines 4 through 17, insert:

11 "11-809. Public works project planning: utility input:
12 definitions

13 A. A COUNTY IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL
14 PROVIDE NOTICE AND OPPORTUNITY FOR COMMENT TO ALL UTILITIES THE COUNTY
15 BELIEVES MAY BE IMPACTED BY THE PUBLIC WORKS PROJECT FOR THE PURPOSES OF:

16 1. ELIMINATING OR MINIMIZING THE NEED FOR RELOCATION OF AERIAL,
17 SURFACE AND UNDERGROUND FACILITIES OF THE IMPACTED UTILITIES AND, IF
18 RELOCATION IS UNAVOIDABLE, MINIMIZING THE RELOCATION COSTS TO THE EXTENT
19 PRACTICABLE RELATIVE TO THE COST OF THE PUBLIC WORKS PROJECT.

20 2. MINIMIZING SUBSEQUENT RECONSTRUCTION OR MODIFICATION OF UTILITY
21 FACILITIES AFTER COMPLETION OF THE PUBLIC WORKS PROJECT.

22 B. FOR THE PURPOSES OF THIS SECTION:

23 1. "PUBLIC WORKS PROJECT" HAS THE SAME MEANING PRESCRIBED IN SECTION
24 12-1141.

25 2. "UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 48-5107."

26 Line 21, strike "ON BUSINESSES"

27 Between lines 24 and 25, insert:

28 "1. "FOOD AND SWIMMING POOL INSPECTION" MEANS AN INSPECTION OF A
29 REGULATED PERSON CONDUCTED TO ENSURE THE SAFETY OF FOOD SERVICES, SWIMMING
30 POOLS AND OTHER BATHING PLACES."

31 Renumber to conform

32 Line 36, strike "CODES" insert "REGULATIONS"

1 Page 27, between lines 41 and 42, insert:

2 "6. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS
3 AND LEGAL HOLIDAYS."

4 Page 28, strike lines 9 through 13

5 Renumber to conform

6 Line 16, after "WRITTEN" insert "OR ELECTRONIC"

7 Line 18, after the second "THE" insert "STATUTE,"; strike "CODE" insert
8 "REGULATION, DELEGATION AGREEMENT"

9 Line 26, after "ORDINANCES" insert ", REGULATIONS"

10 Line 27, after the second "COUNTY" insert "OR ON THE COUNTY'S WEBSITE"

11 Line 34, strike "CODE" insert "REGULATION"

12 Line 43, after "4." insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION,"

13 Page 29, line 2, after "TAKEN" insert "FROM THE PREMISES"

14 Line 4, in both places, after "SPLIT" insert "OR DUPLICATE"

15 Line 5, after "SAMPLES" insert ", WHERE APPROPRIATE,"

16 Line 14, after "OF" insert ", OR TWO WORKING DAYS BEFORE,"

17 Line 15, after the comma insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION
18 THAT HAS UP TO ONE WORKING DAY AFTER AN INSPECTION,"

19 Line 16, after "WRITING" insert "OR ELECTRONICALLY"

20 Line 18, after "A" insert "COUNTY"

21 Line 31, strike "AND" insert ". UNLESS THE REGULATED PERSON AT THE TIME OF THE
22 INSPECTION IS INFORMED HOW THE REPORT CAN BY LOCATED ELECTRONICALLY, THE
23 COUNTY"

24 Line 37, after "OF" insert ", OR PROVIDE ELECTRONIC ACCESS TO,"

25 Page 30, line 12, after "THIRTY" insert "WORKING"

26 Line 15, after "COMPLIANCE" insert ", UNLESS THE DETERMINATION IS NOT POSSIBLE
27 DUE TO CONDITIONS OF NORMAL OPERATIONS AT THE PREMISES"

28 Line 23, strike the second "A" insert "THE"; after "UPDATE" insert ", IN WRITING
29 OR ELECTRONICALLY,"

30 Line 33, after the first "INVESTIGATIONS" strike remainder of line; line 34,
31 strike "GAMING COMPACTS"

32 Page 30, line 36, after "THE" insert "COUNTY"

1 Line 37, after "BE" insert "OR HAS BEEN"

2 Strike lines 38 and 39, insert:

3 "3. INSPECTIONS BY A COUNTY BOARD OF HEALTH OR A LOCAL HEALTH
4 DEPARTMENT PURSUANT TO SECTION 36-603."

5 Line 40, strike "AN" insert "A COUNTY"

6 Page 31, line 1, strike ", BOARD OR COMMISSION"

7 Strike line 4, insert "CHAPTER 2, ARTICLE 10 OF THIS TITLE."

8 Strike lines 7 through 10, insert:

9 "M. A COUNTY MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS SECTION.

10 N. THIS SECTION:

11 1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.

12 2. DOES NOT APPLY TO A COUNTY INSPECTION THAT IS REQUESTED BY THE
13 REGULATED PERSON."

14 Line 14, strike "CODE" insert "DELEGATION AGREEMENT"

15 Strike lines 17 through 21

16 Reletter to conform

17 Line 29, strike "CODE" insert "REGULATION"

18 Page 32, line 10, strike the period insert "INCLUDING:

19 (a) ADULT BUSINESSES AND OTHER LICENSES THAT ARE RELATED TO THE FIRST
20 AMENDMENT.

21 (b) MASTER PLANNED COMMUNITIES.

22 (c) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES
23 INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL LICENSES."

24 Line 11, after "WRITTEN" insert "OR ELECTRONIC"

25 Line 13, after the period insert "IF THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE
26 THAN ONE DEPARTMENT OF THE COUNTY, EACH DEPARTMENT MAY ISSUE A WRITTEN OR
27 ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES."

28 Lines 16 and 17, after "WRITTEN" insert "OR ELECTRONIC"

29 Line 21, after the period insert "THE COUNTY MAY ISSUE AN ADDITIONAL WRITTEN OR
30 ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE
31 APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF THE PERMIT SOUGHT REQUIRES
32 APPROVAL OF MORE THAN ONE DEPARTMENT OF THE COUNTY, EACH DEPARTMENT MAY ISSUE

1 AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR
2 DEFICIENCIES BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION."

3 Page 32, lines 22 and 25, after "WRITTEN" insert "OR ELECTRONIC"

4 Line 28, after "WRITTEN" insert "OR ELECTRONIC"; after the period insert "IF THE
5 PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE COUNTY,
6 EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR ADDITIONAL
7 INFORMATION."

8 Line 29, after "WRITING" insert "OR ELECTRONICALLY"

9 Line 31, in both places, after "WRITTEN" insert "OR ELECTRONIC"

10 Lines 36, 42 and 44, after "WRITTEN" insert "OR ELECTRONIC"

11 Page 33, lines 1 and 2, strike "OR ORDINANCES" insert ", ORDINANCES, REGULATIONS,
12 SUBSTANTIVE POLICY STATEMENTS OR DELEGATION AGREEMENTS"

13 Line 4, after "OF" insert "WORKING"

14 Line 7, after "WRITTEN" insert "OR ELECTRONIC"

15 Line 13, after "THIRTY" insert "WORKING"

16 Line 18, after "SEVEN" insert "WORKING"

17 Line 19, after "OF" insert "THE"; after "APPLICATION" insert "OR PERMIT THAT
18 EXPIRE WITHIN TWENTY-ONE WORKING DAYS AFTER ISSUANCE"

19 Between lines 28 and 29, insert:

20 "4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO
21 ALLOW THE REGULATED PERSON TO USE ELECTRONIC COMMUNICATION WITH THE COUNTY."

22 Lines 32 and 34, strike "CODES" insert "REGULATIONS"

23 Line 36, after "COUNTY" insert "OR THE COUNTY WEBSITE"

24 Line 39, strike "CODES" insert "REGULATIONS"

25 Line 41, strike "CODE" insert "REGULATION"

26 Line 44, strike "CODES" insert "REGULATIONS"

27 After line 45, insert:

28 "11-1609. Exemptions

29 THIS ARTICLE DOES NOT APPLY TO:

30 1. A COUNTY FUNCTION, POWER OR DUTY TO THE EXTENT THAT THEY ARE
31 SUBJECT TO TITLE 49, CHAPTER 3, ARTICLE 3.

2. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT RELATES TO ONLY THE INTERNAL MANAGEMENT OF A COUNTY AND THAT DOES NOT DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR DUTIES OF ANY SEGMENT OF THE PUBLIC.

3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING TO ONLY THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF COUNTY OWNED OR OPERATED FACILITIES OR PROPERTY.

4. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT RELATES TO INMATES OR COMMITTED YOUTH, A CORRECTIONAL OR DETENTION FACILITY UNDER THE JURISDICTION OF THE COUNTY OR A PATIENT ADMITTED TO AN INSTITUTION OR TREATMENT CENTER PURSUANT TO COURT ORDER.

5. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING TO A COUNTY CONTRACT."

Page 36, strike lines 39 through 45

Strike pages 37, 38 and 39

Page 40, strike lines 1 through 17, insert:

"Sec. 12. Title 48, chapter 21, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. FLOOD CONTROL DISTRICT REGULATIONS

48-3641. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "DISTRICT" MEANS A DISTRICT ORGANIZED PURSUANT TO ARTICLE 1 OF THIS CHAPTER.

2. "EMERGENCY" MEANS A SITUATION THAT CREATES AN IMMEDIATE THREAT TO THE HEALTH OR SAFETY OF A PERSON OR PROPERTY CAUSED BY FLOOD, EARTHQUAKE, HURRICANE, TORNADO, EXPLOSION, FIRE OR OTHER CATASTROPHE.

3. "LICENSE" INCLUDES THE WHOLE OR PART OF ANY DISTRICT PERMIT, CERTIFICATE, APPROVAL, REGISTRATION, CHARTER OR SIMILAR FORM OF PERMISSION REQUIRED BY LAW.

4. "LICENSING" INCLUDES THE DISTRICT PROCESS RESPECTING THE GRANT, DENIAL, RENEWAL, REVOCATION, SUSPENSION, ANNULMENT, WITHDRAWAL OR AMENDMENT OF A LICENSE.

1 5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
2 ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION
3 OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

4 6. "SUBSTANTIVE POLICY STATEMENT" MEANS A WRITTEN EXPRESSION THAT IS
5 ONLY ADVISORY AND INFORMS THE GENERAL PUBLIC OF A DISTRICT'S CURRENT APPROACH
6 TO, OR OPINION OF, THE REQUIREMENTS OF THE ORDINANCES OR REGULATIONS,
7 INCLUDING, WHERE APPROPRIATE, THE DISTRICT'S CURRENT PRACTICE, PROCEDURE OR
8 METHOD OF ACTION BASED ON THAT APPROACH OR OPINION. A SUBSTANTIVE POLICY
9 STATEMENT DOES NOT INCLUDE INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE
10 INTERNAL PROCEDURES OF THE DISTRICT AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS
11 OR PENALTIES ON REGULATED PARTIES OR CONFIDENTIAL INFORMATION.

12 7. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS
13 AND LEGAL HOLIDAYS.

14 48-3642. Regulatory bill of rights

15 TO ENSURE FAIR AND OPEN REGULATION BY DISTRICTS, A PERSON:

16 1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE
17 PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A DISTRICT IN A COURT
18 PROCEEDING REGARDING A DISTRICT DECISION AS PROVIDED IN SECTION 12-348.

19 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS
20 AS PROVIDED IN SECTION 48-3643.

21 3. IS ENTITLED TO HAVE A DISTRICT NOT BASE A LICENSING DECISION IN
22 WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT
23 SPECIFICALLY AUTHORIZED AS PROVIDED IN SECTION 48-3644.

24 4. MAY HAVE A DISTRICT APPROVE OR DENY THE PERSON'S LICENSE
25 APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION
26 48-3645.

27 5. IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A DISTRICT
28 ON DENIAL OF A LICENSE APPLICATION:

29 (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE,
30 ORDINANCE, REGULATION, EXECUTIVE ORDER, DELEGATION AGREEMENT OR AUTHORIZED
31 SUBSTANTIVE POLICY STATEMENT ON WHICH THE DENIAL IS BASED AS PROVIDED IN
32 SECTION 48-3645.

1 (b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS
2 PROVIDED IN SECTION 48-3645.

3 6. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE
4 APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A
5 LICENSE AS PROVIDED IN SECTION 48-3646.

6 7. MAY INSPECT ALL ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY
7 STATEMENTS OF A DISTRICT, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE
8 OF THE DISTRICT OR A DISTRICT WEBSITE AS PROVIDED IN SECTION 48-3647.

9 8. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT DISTRICTS TO AVOID
10 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID
11 DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION
12 48-3644.

13 9. MAY FILE A COMPLAINT WITH THE BOARD OF REVIEW CONCERNING AN
14 ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY
15 WITH THIS SECTION.

16 48-3643. Inspections: applicability

17 A. A DISTRICT INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A
18 REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

19 1. PRESENT PHOTO IDENTIFICATION ON ENTRY OF THE PREMISES.

20 2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE
21 INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

22 3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

23 4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE
24 OF THE REGULATED PERSON ACCOMPANY THE DISTRICT INSPECTOR OR REGULATOR ON THE
25 PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

26 5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

27 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN FROM THE PREMISES BY THE
28 DISTRICT DURING THE INSPECTION IF THE DISTRICT IS PERMITTED BY LAW TO TAKE
29 ORIGINAL DOCUMENTS.

30 (b) A SPLIT OR DUPLICATE OF ANY SAMPLES TAKEN DURING THE INSPECTION IF
31 THE SPLIT OR DUPLICATION OF ANY SAMPLES, WHERE APPROPRIATE, WOULD NOT
32 PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN ANALYSIS INCONCLUSIVE.

1 (c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE
2 INSPECTION.

3 6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE DISTRICT INSPECTOR
4 OR REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS
5 BEING TAPE RECORDED.

6 7. INFORM EACH PERSON INTERVIEWED DURING THE INSPECTION THAT
7 STATEMENTS MADE BY THE PERSON MAY BE INCLUDED IN THE INSPECTION REPORT.

8 B. ON INITIATION OF, OR TWO WORKING DAYS BEFORE, AN INSPECTION OF ANY
9 PREMISES OF A REGULATED PERSON, A DISTRICT INSPECTOR OR REGULATOR SHALL
10 PROVIDE THE FOLLOWING IN WRITING OR ELECTRONICALLY:

11 1. THE RIGHTS DESCRIBED IN SUBSECTION A OF THIS SECTION.

12 2. THE NAME AND TELEPHONE NUMBER OF A DISTRICT CONTACT PERSON
13 AVAILABLE TO ANSWER QUESTIONS REGARDING THE INSPECTION.

14 3. THE DUE PROCESS RIGHTS RELATING TO AN APPEAL OF A FINAL DECISION OF
15 A DISTRICT BASED ON THE RESULTS OF THE INSPECTION, INCLUDING THE NAME AND
16 TELEPHONE NUMBER OF A PERSON TO CONTACT WITHIN THE DISTRICT AND ANY
17 APPROPRIATE MUNICIPALITY, COUNTY, DISTRICT OR STATE GOVERNMENT OMBUDSMAN.

18 C. A DISTRICT INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF THE
19 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE
20 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE
21 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ
22 THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE
23 REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S
24 INSPECTION AND DUE PROCESS RIGHTS. THE DISTRICT SHALL MAINTAIN A COPY OF
25 THIS SIGNATURE WITH THE INSPECTION REPORT. UNLESS THE REGULATED PERSON, AT
26 THE TIME OF THE INSPECTION, IS INFORMED HOW THE REPORT CAN BE LOCATED
27 ELECTRONICALLY, THE DISTRICT SHALL LEAVE A COPY WITH THE REGULATED PERSON OR
28 ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A REGULATED PERSON OR
29 ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT THE SITE OR REFUSES
30 TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION, THE DISTRICT
31 INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE WRITING PRESCRIBED IN
32 SUBSECTION B OF THIS SECTION.

1 D. A DISTRICT THAT CONDUCTS AN INSPECTION PURSUANT TO THIS SECTION,
2 SHALL GIVE A COPY OF, OR PROVIDE ELECTRONIC ACCESS TO, THE INSPECTION REPORT
3 TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON
4 EITHER:

- 5 1. AT THE TIME OF THE INSPECTION.
6 2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS
7 AFTER THE INSPECTION.
8 3. AS OTHERWISE REQUIRED BY FEDERAL LAW.

9 E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING
10 AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE DISTRICT MAY PROVIDE
11 THE REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES UNLESS THE
12 DISTRICT DETERMINES THAT THE DEFICIENCIES ARE:

- 13 1. COMMITTED INTENTIONALLY.
14 2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY
15 THE DISTRICT.
16 3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.
17 4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE
18 ENVIRONMENT.

19 F. IF THE DISTRICT ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO
20 CORRECT THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE
21 REGULATED PERSON SHALL NOTIFY THE DISTRICT WHEN THE DEFICIENCIES HAVE BEEN
22 CORRECTED. WITHIN THIRTY WORKING DAYS OF RECEIPT OF NOTIFICATION FROM THE
23 REGULATED PERSON THAT THE DEFICIENCIES HAVE BEEN CORRECTED, THE DISTRICT
24 SHALL DETERMINE IF THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND
25 NOTIFY THE REGULATED PERSON WHETHER OR NOT THE REGULATED PERSON IS IN
26 SUBSTANTIAL COMPLIANCE, UNLESS IT IS NOT POSSIBLE DUE TO CONDITIONS OF NORMAL
27 OPERATIONS AT THE PREMISES. IF THE REGULATED PERSON FAILS TO CORRECT THE
28 DEFICIENCIES OR THE DISTRICT DETERMINES THE DEFICIENCIES HAVE NOT BEEN
29 CORRECTED WITHIN A REASONABLE PERIOD OF TIME, THE DISTRICT MAY TAKE ANY
30 ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE DEFICIENCIES.

31 G. A DISTRICT DECISION PURSUANT TO SUBSECTION E OR F OF THIS SECTION
32 IS NOT AN APPEALABLE DISTRICT ACTION.

1 H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION
2 A DISTRICT SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE, IN WRITING OR
3 ELECTRONICALLY, ON THE STATUS OF ANY DISTRICT ACTION RESULTING FROM AN
4 INSPECTION OF THE REGULATED PERSON. A DISTRICT IS NOT REQUIRED TO PROVIDE AN
5 UPDATE AFTER THE REGULATED PERSON IS NOTIFIED THAT NO DISTRICT ACTION WILL
6 RESULT FROM THE DISTRICT'S INSPECTION OR AFTER THE COMPLETION OF DISTRICT
7 ACTION RESULTING FROM THE DISTRICT'S INSPECTION.

8 I. THIS SECTION DOES NOT AUTHORIZE AN INSPECTION OR ANY OTHER ACT THAT
9 IS NOT OTHERWISE AUTHORIZED BY LAW.

10 J. THIS SECTION APPLIES ONLY TO INSPECTIONS NECESSARY FOR THE ISSUANCE
11 OF A LICENSE OR TO DETERMINE COMPLIANCE WITH LICENSURE REQUIREMENTS. THIS
12 SECTION DOES NOT APPLY:

13 1. TO CRIMINAL INVESTIGATIONS AND UNDERCOVER INVESTIGATIONS THAT ARE
14 GENERALLY OR SPECIFICALLY AUTHORIZED BY LAW.

15 2. IF THE DISTRICT INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO
16 BELIEVE THAT THE REGULATED PERSON MAY BE OR HAS BEEN ENGAGED IN CRIMINAL
17 ACTIVITY.

18 3. IF THE DISTRICT INSPECTOR OR REGULATOR REASONABLY BELIEVES THAT AN
19 EMERGENCY EXISTS.

20 4. TO INSPECTIONS CONDUCTED PURSUANT TO SECTION 48-3609, SUBSECTION K
21 OF PERSONS NOT LICENSED BY THE DISTRICT OR WHICH ARE NOT NECESSARY FOR THE
22 ISSUANCE OF A LICENSE.

23 K. IF A DISTRICT INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION
24 OF THIS SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE
25 IN A CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,
26 SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY
27 OF MORE THAN ONE THOUSAND DOLLARS.

28 L. FAILURE OF A DISTRICT EMPLOYEE TO COMPLY WITH THIS SECTION:

29 1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO
30 ADOPTED DISTRICT PERSONNEL POLICY.

31 2. SHALL BE CONSIDERED BY THE JUDGE AND ADMINISTRATIVE LAW JUDGE AS
32 GROUNDS FOR REDUCTION OF ANY FINE OR CIVIL PENALTY.

1 M. A DISTRICT MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS SECTION.

2 N. THIS SECTION:

3 1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.

4 2. DOES NOT APPLY TO DISTRICT INSPECTIONS THAT ARE REQUESTED BY THE
5 REGULATED PERSON.

6 48-3644. Prohibited acts by district

7 A. A DISTRICT SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN PART
8 ON A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY AUTHORIZED
9 BY STATUTE, RULE, REGULATION, ORDINANCE, EXECUTIVE ORDER OR DELEGATION
10 AGREEMENT. A GENERAL GRANT OF AUTHORITY DOES NOT CONSTITUTE A BASIS FOR
11 IMPOSING A LICENSING REQUIREMENT OR CONDITION UNLESS THE AUTHORITY
12 SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

13 B. UNLESS SPECIFICALLY AUTHORIZED, A DISTRICT SHALL AVOID DUPLICATION
14 OF OTHER LAWS OR EXECUTIVE ORDERS THAT DO NOT ENHANCE REGULATORY CLARITY AND
15 SHALL AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

16 C. THIS SECTION DOES NOT PROHIBIT DISTRICT FLEXIBILITY TO ISSUE
17 LICENSES OR ADOPT ORDINANCES OR REGULATIONS.

18 48-3645. Licensing time frames; compliance; consequence for
19 failure to comply with time frame; exemption

20 A. FOR ANY NEW ORDINANCE OR REGULATION REQUIRING A LICENSE, A DISTRICT
21 SHALL HAVE IN PLACE AN OVERALL TIME FRAME DURING WHICH THE DISTRICT WILL
22 EITHER GRANT OR DENY EACH TYPE OF LICENSE THAT IT ISSUES. THE OVERALL TIME
23 FRAME FOR EACH TYPE OF LICENSE SHALL STATE SEPARATELY THE ADMINISTRATIVE
24 COMPLETENESS REVIEW TIME FRAME AND THE SUBSTANTIVE REVIEW TIME FRAME.

25 B. ON OR BEFORE DECEMBER 31, 2012, A DISTRICT THAT ISSUES LICENSES
26 REQUIRED UNDER EXISTING ORDINANCES OR CODES SHALL HAVE IN PLACE AN OVERALL
27 TIME FRAME DURING WHICH THE DISTRICT WILL EITHER GRANT OR DENY EACH TYPE OF
28 LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH TYPE OF LICENSE
29 SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND
30 THE SUBSTANTIVE REVIEW TIME FRAME. DISTRICTS SHALL PRIORITIZE THE
31 ESTABLISHMENT OF TIME FRAMES FOR THOSE LICENSES THAT HAVE THE GREATEST IMPACT
32 ON THE PUBLIC.

1 C. IN ESTABLISHING TIME FRAMES, DISTRICTS SHALL CONSIDER ALL OF THE
2 FOLLOWING:

3 1. THE COMPLEXITY OF THE LICENSING SUBJECT MATTER.
4 2. THE RESOURCES OF THE DISTRICT.
5 3. THE ECONOMIC IMPACT OF DELAY ON THE REGULATED COMMUNITY.
6 4. THE IMPACT OF THE LICENSING DECISION ON PUBLIC HEALTH AND SAFETY.
7 5. THE POSSIBLE USE OF VOLUNTEERS WITH EXPERTISE IN THE SUBJECT MATTER
8 AREA.

9 6. THE POSSIBLE INCREASED USE OF GENERAL LICENSES FOR SIMILAR TYPES OF
10 LICENSED BUSINESSES OR FACILITIES.

11 7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE DISTRICT AND THE
12 REGULATED COMMUNITY.

13 8. INCREASED DISTRICT FLEXIBILITY IN STRUCTURING THE LICENSING PROCESS
14 AND PERSONNEL INCLUDING:

15 (a) MASTER PLANNED COMMUNITIES.

16 (b) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES
17 INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL APPROVALS.

18 D. A DISTRICT SHALL ISSUE A WRITTEN OR ELECTRONIC NOTICE OF
19 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE
20 WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME. IF THE PERMIT
21 SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE DISTRICT, EACH
22 DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE
23 COMPLETENESS OR DEFICIENCIES.

24 E. IF A DISTRICT DETERMINES THAT AN APPLICATION FOR A LICENSE IS NOT
25 ADMINISTRATIVELY COMPLETE, THE DISTRICT SHALL INCLUDE A COMPREHENSIVE LIST OF
26 THE SPECIFIC DEFICIENCIES IN THE WRITTEN OR ELECTRONIC NOTICE PROVIDED
27 PURSUANT TO SUBSECTION D. IF THE DISTRICT ISSUES A WRITTEN OR ELECTRONIC
28 NOTICE OF DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE
29 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE
30 SUSPENDED FROM THE DATE THE NOTICE IS ISSUED UNTIL THE DATE THAT THE DISTRICT
31 RECEIVES THE MISSING INFORMATION FROM THE APPLICANT. THE DISTRICT MAY ISSUE
32 AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR

1 DEFICIENCIES BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF
2 THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE
3 DISTRICT, EACH DEPARTMENT MAY ISSUE AN ADDITIONAL WRITTEN OR ELECTRONIC
4 NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE
5 APPLICANT'S SUBMISSION OF MISSING INFORMATION.

6 F. IF A DISTRICT DOES NOT ISSUE A WRITTEN OR ELECTRONIC NOTICE OF
7 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE
8 COMPLETENESS REVIEW TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY
9 COMPLETE. IF A DISTRICT ISSUES A TIMELY WRITTEN OR ELECTRONIC NOTICE OF
10 DEFICIENCIES, AN APPLICATION SHALL NOT BE COMPLETE UNTIL ALL REQUESTED
11 INFORMATION HAS BEEN RECEIVED BY THE DISTRICT.

12 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A DISTRICT MAY MAKE ONE
13 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR ADDITIONAL INFORMATION. IF
14 THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE
15 DISTRICT, EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR
16 ADDITIONAL INFORMATION. THE DISTRICT AND APPLICANT MAY MUTUALLY AGREE IN
17 WRITING OR ELECTRONICALLY TO ALLOW THE DISTRICT TO SUBMIT SUPPLEMENTAL
18 REQUESTS FOR ADDITIONAL INFORMATION. IF A DISTRICT ISSUES A COMPREHENSIVE
19 WRITTEN OR ELECTRONIC REQUEST OR A SUPPLEMENTAL REQUEST BY MUTUAL WRITTEN OR
20 ELECTRONIC AGREEMENT FOR ADDITIONAL INFORMATION, THE SUBSTANTIVE REVIEW TIME
21 FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE REQUEST IS
22 ISSUED UNTIL THE DATE THAT THE DISTRICT RECEIVES THE ADDITIONAL INFORMATION
23 FROM THE APPLICANT.

24 H. BY MUTUAL WRITTEN OR ELECTRONIC AGREEMENT, A DISTRICT AND AN
25 APPLICANT FOR A LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE
26 OVERALL TIME FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND
27 THE OVERALL TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL
28 TIME FRAME.

29 I. UNLESS A DISTRICT AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE TO
30 EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME PURSUANT
31 TO SUBSECTION H, A DISTRICT SHALL ISSUE A WRITTEN OR ELECTRONIC NOTICE
32 GRANTING OR DENYING A LICENSE TO AN APPLICANT. IF A DISTRICT DENIES AN

1 APPLICATION FOR A LICENSE, THE DISTRICT SHALL INCLUDE IN THE WRITTEN OR
2 ELECTRONIC NOTICE AT LEAST THE FOLLOWING INFORMATION:

3 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES,
4 ORDINANCES, EXECUTIVE ORDERS, SUBSTANTIVE POLICY STATEMENTS OR DELEGATION
5 AGREEMENTS ON WHICH THE DENIAL IS BASED.

6 2. AN EXPLANATION OF THE APPLICANT'S RIGHT TO APPEAL THE DENIAL. THE
7 EXPLANATION SHALL INCLUDE THE NUMBER OF WORKING DAYS IN WHICH THE APPLICANT
8 MUST FILE A PROTEST CHALLENGING THE DENIAL AND THE NAME AND TELEPHONE NUMBER
9 OF A DISTRICT CONTACT PERSON WHO CAN ANSWER QUESTIONS REGARDING THE APPEALS
10 PROCESS.

11 J. IF A DISTRICT DOES NOT ISSUE TO THE APPLICANT THE WRITTEN OR
12 ELECTRONIC NOTICE GRANTING OR DENYING A LICENSE WITHIN THE OVERALL TIME FRAME
13 OR WITHIN THE MUTUALLY AGREED UPON TIME FRAME EXTENSION, THE DISTRICT SHALL
14 REFUND TO THE APPLICANT ALL FEES CHARGED FOR REVIEWING AND ACTING ON THE
15 APPLICATION FOR THE LICENSE AND SHALL EXCUSE PAYMENT OF ANY FEES THAT HAVE
16 NOT YET BEEN PAID. THE DISTRICT SHALL NOT REQUIRE AN APPLICANT TO SUBMIT AN
17 APPLICATION FOR A REFUND PURSUANT TO THIS SUBSECTION. THE REFUND SHALL BE
18 MADE WITHIN THIRTY WORKING DAYS AFTER THE EXPIRATION OF THE OVERALL TIME
19 FRAME OR THE TIME FRAME EXTENSION. THE DISTRICT SHALL CONTINUE TO PROCESS
20 THE APPLICATION. NOTWITHSTANDING ANY OTHER STATUTE, THE DISTRICT SHALL MAKE
21 THE REFUND FROM THE FUND IN WHICH THE APPLICATION FEES WERE ORIGINALLY
22 DEPOSITED.

23 K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN WORKING
24 DAYS AFTER RECEIPT OF THE INITIAL APPLICATION OR A PERMIT THAT EXPIRES WITHIN
25 TWENTY-ONE WORKING DAYS AFTER ISSUANCE.

26 48-3646. License application process

27 A DISTRICT THAT ISSUES LICENSES SHALL PROVIDE THE FOLLOWING INFORMATION
28 TO AN APPLICANT AT THE TIME THE APPLICANT OBTAINS AN APPLICATION FOR A
29 LICENSE:

30 1. A LIST OF ALL OF THE STEPS THE APPLICANT IS REQUIRED TO TAKE IN
31 ORDER TO OBTAIN THE LICENSE.

32 2. THE APPLICABLE LICENSING TIME FRAMES.

1 3. THE NAME AND TELEPHONE NUMBER OF A DISTRICT CONTACT PERSON WHO CAN
2 ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

3 4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO
4 ALLOW THE REGULATED PERSON TO UTILIZE ELECTRONIC COMMUNICATION WITH THE
5 DISTRICT.

6 48-3647. Directory of documents

7 THE DISTRICT SHALL PUBLISH, OR PROMINENTLY PLACE ON THE DISTRICT
8 WEBSITE, AT LEAST ANNUALLY, A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL
9 CURRENTLY APPLICABLE ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY
10 STATEMENTS. THE DISTRICT SHALL KEEP COPIES OF THIS DIRECTORY AND ALL
11 SUBSTANTIVE POLICY STATEMENTS AT ONE LOCATION. THE DIRECTORY, ORDINANCES,
12 REGULATIONS, SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS INCORPORATED BY
13 REFERENCE IN THESE DOCUMENTS SHALL BE OPEN TO PUBLIC INSPECTION AT THE OFFICE
14 OF THE DISTRICT OR THE DISTRICT WEBSITE.

15 48-3648. Complaints; board of review

16 THE BOARD OF REVIEW SHALL RECEIVE COMPLAINTS CONCERNING ORDINANCES,
17 SUBSTANTIVE POLICY STATEMENTS OR DISTRICT PRACTICES ALLEGED TO VIOLATE THIS
18 ARTICLE. THE BOARD OF REVIEW MAY REVIEW ANY ORDINANCE, REGULATION,
19 SUBSTANTIVE POLICY STATEMENT OR DISTRICT PRACTICE ALLEGED TO VIOLATE THIS
20 ARTICLE AND MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE BOARD OF REVIEW
21 MAY RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES,
22 REGULATIONS, SUBSTANTIVE POLICY STATEMENTS OR DISTRICT PRACTICES ALLEGED TO
23 VIOLATE THIS ARTICLE.

24 48-3649. Exemptions

25 THIS ARTICLE DOES NOT APPLY TO:

26 1. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
27 RELATES TO ONLY THE INTERNAL MANAGEMENT OF A DISTRICT AND THAT DOES NOT
28 DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR
29 DUTIES OF ANY SEGMENT OF THE PUBLIC.

30 2. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT
31 RELATES TO ONLY THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF DISTRICT OWNED
32 OR OPERATED FACILITIES OR PROPERTY.

1 3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING
2 TO A DISTRICT CONTRACT."

3 Page 40, line 23, strike "and 11-1603" insert ", 11-1603 and 48-3643"

4 Line 24, strike "December 31, 2011" insert "June 30, 2012"

5 Amend title to conform

and, as so amended, it do pass

JUDY M. BURGESS
Chairman

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3/22/11
H:jmb

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