

REFERENCE TITLE: emergency communications; antennae; accommodation

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2287

Introduced by
Representatives McLain: Jones, Senator Melvin

AN ACT

AMENDING SECTION 9-462.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 244, SECTION 1; AMENDING SECTION 11-811, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2010, CHAPTER 244, SECTION 7; AMENDING SECTION 33-1808, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY SERVICE COMMUNICATIONS ACCOMMODATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-462.01, Arizona Revised Statutes, as amended by
3 Laws 2010, chapter 244, section 1, is amended to read:
4 9-462.01. Zoning regulations; public hearing; definitions
5 A. Pursuant to this article, the legislative body of any municipality
6 by ordinance may in order to conserve and promote the public health, safety
7 and general welfare:
8 1. Regulate the use of buildings, structures and land as between
9 agriculture, residence, industry, business and other purposes.
10 2. Regulate signs and billboards.
11 3. Regulate the location, height, bulk, number of stories and size of
12 buildings and structures, the size and use of lots, yards, courts and other
13 open spaces, the percentage of a lot which may be occupied by a building or
14 structure, access to incident solar energy and the intensity of land use.
15 REASONABLE HEIGHTS AND DIMENSIONS SHALL BE PROVIDED FOR ACCOMMODATION OF
16 AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS ANTENNAE AND
17 STRUCTURES.
18 4. Establish requirements for off-street parking and loading.
19 5. Establish and maintain building setback lines.
20 6. Create civic districts around civic centers, public parks, public
21 buildings or public grounds and establish regulations therefor.
22 7. Require as a condition of rezoning public dedication of
23 rights-of-way as streets, alleys, public ways, drainage and public utilities
24 as are reasonably required by or related to the effect of the rezoning.
25 8. Establish floodplain zoning districts and regulations to protect
26 life and property from the hazards of periodic inundation. Regulations may
27 include variable lot sizes, special grading or drainage requirements, or
28 other requirements deemed necessary for the public health, safety or general
29 welfare.
30 9. Establish special zoning districts or regulations for certain lands
31 characterized by adverse topography, adverse soils, subsidence of the earth,
32 high water table, lack of water or other natural or man-made hazards to life
33 or property. Regulations may include variable lot sizes, special grading or
34 drainage requirements, or other requirements deemed necessary for the public
35 health, safety or general welfare.
36 10. Establish districts of historical significance provided that:
37 (a) The ordinances may require that special permission be obtained for
38 any development within the district if the legislative body has adopted a
39 plan for the preservation of districts of historical significance which meets
40 the requirements of subdivision (b) of this paragraph, and the criteria
41 contained in the ordinance are consistent with the objectives set forth in
42 the plan.
43 (b) A plan for the preservation of districts of historical
44 significance shall identify districts of special historical significance,
45 state the objectives to be sought concerning the development or preservation
46 of sites, area and structures within the district, and formulate a program

1 for public action including the provision of public facilities and the
2 regulation of private development and demolition necessary to realize these
3 objectives.

4 (c) The ordinance establishing districts of historical significance
5 shall set forth standards necessary to preserve the historical character of
6 the area so designated.

7 (d) The ordinances may designate or authorize any committee,
8 commission, department or person to designate structures or sites of special
9 historical significance in accordance with criteria contained in the
10 ordinance, and no designation shall be made except after a public hearing
11 upon notice of the owners of record of the property so designated. The
12 ordinances may require that special permission be obtained for any
13 development respecting the structures or sites.

14 11. Establish age specific community zoning districts in which
15 residency is restricted to a head of a household or spouse who must be of a
16 specific age or older and in which minors are prohibited from living in the
17 home. Age specific community zoning districts shall not be overlaid over
18 property without the permission of all owners of property included as part of
19 the district unless all of the property in the district has been developed,
20 advertised and sold or rented under specific age restrictions. The
21 establishment of age specific community zoning districts is subject to all of
22 the public notice requirements and other procedures prescribed by this
23 article.

24 12. Establish procedures, methods and standards for the transfer of
25 development rights within its jurisdiction. Any proposed transfer of
26 development rights from the sending property or to the receiving property
27 shall be subject to the notice and hearing requirements of section 9-462.04
28 and shall be subject to the approval and consent of the property owners of
29 both the sending and receiving property. Before any transfer of development
30 rights, a municipality shall adopt an ordinance providing for:

31 (a) The issuance and recordation of the instruments necessary to sever
32 development rights from the sending property and to affix development rights
33 to the receiving property. These instruments shall be executed by the
34 affected property owners and lienholders.

35 (b) The preservation of the character of the sending property and
36 assurance that the prohibitions against the use and development of the
37 sending property shall bind the landowner and every successor in interest to
38 the landowner.

39 (c) The severance of transferable development rights from the sending
40 property and the delayed transfer of development rights to a receiving
41 property.

42 (d) The purchase, sale, exchange or other conveyance of transferable
43 development rights prior to the rights being affixed to a receiving property.

44 (e) A system for monitoring the severance, ownership, assignment and
45 transfer of transferable development rights.

1 (f) The right of a municipality to purchase development rights and to
2 hold them for resale.

3 (g) The right of a municipality at its discretion to enter into an
4 intergovernmental agreement with another municipality or a county for the
5 transfer of development rights between jurisdictions. The transfer shall
6 comply with this paragraph, except that if the sending property is located in
7 an unincorporated area of a county, the approval of the development rights to
8 be sent to a municipality shall comply with section 11-817.

9 B. For the purposes prescribed in subsection A of this section, the
10 legislative body may divide a municipality, or portion of a municipality,
11 into zones of the number, shape and area it deems best suited to carry out
12 the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

13 C. All zoning regulations shall be uniform for each class or kind of
14 building or use of land throughout each zone, but the regulations in one type
15 of zone may differ from those in other types of zones as follows:

16 1. Within individual zones, there may be uses permitted on a
17 conditional basis under which additional requirements must be met, including
18 requiring site plan review and approval by the planning agency. The
19 conditional uses are generally characterized by any of the following:

20 (a) Infrequency of use.

21 (b) High degree of traffic generation.

22 (c) Requirement of large land area.

23 2. Within residential zones, the regulations may permit modifications
24 to minimum yard lot area and height requirements.

25 D. To carry out the purposes of this article and articles 6 and 6.2 of
26 this chapter, the legislative body may adopt overlay zoning districts and
27 regulations applicable to particular buildings, structures and land within
28 individual zones. For the purposes of this subsection, "overlay zoning
29 district" means a special zoning district that includes regulations which
30 modify regulations in another zoning district with which the overlay zoning
31 district is combined. Overlay zoning districts and regulations shall be
32 adopted pursuant to section 9-462.04.

33 E. The legislative body may approve a change of zone conditioned upon
34 a schedule for development of the specific use or uses for which rezoning is
35 requested. If at the expiration of this period the property has not been
36 improved for the use for which it was conditionally approved, the legislative
37 body, after notification by certified mail to the owner and applicant who
38 requested the rezoning, shall schedule a public hearing to take
39 administrative action to extend, remove or determine compliance with the
40 schedule for development or take legislative action to cause the property to
41 revert to its former zoning classification.

42 F. All zoning and rezoning ordinances or regulations adopted under
43 this article shall be consistent with and conform to the adopted general plan
44 of the municipality, if any, as adopted under article 6 of this chapter. In
45 the case of uncertainty in construing or applying the conformity of any part
46 of a proposed rezoning ordinance to the adopted general plan of the

1 municipality, the ordinance shall be construed in a manner that will further
2 the implementation of, and not be contrary to, the goals, policies and
3 applicable elements of the general plan. A rezoning ordinance conforms with
4 the land use element of the general plan if it proposes land uses, densities
5 or intensities within the range of identified uses, densities and intensities
6 of the land use element of the general plan.

7 G. No regulation or ordinance under this section may prevent or
8 restrict agricultural composting on farmland that is five or more contiguous
9 acres and that meets the requirements of this subsection. An agricultural
10 composting operation shall notify in writing the legislative body of the city
11 or town and the nearest fire department of the location of the composting
12 operation. If the nearest fire department is located in a different city or
13 town from the agricultural composting operation, the agricultural composting
14 operation shall also notify in writing the fire department of the city or
15 town in which the operation is located. Agricultural composting is subject
16 to sections 3-112 and 49-141. Agricultural composting may not be conducted
17 within one thousand three hundred twenty feet of an existing residential use,
18 unless the operations are conducted on farmland or land leased in association
19 with farmland. Any disposal of manure shall comply with section 49-247. For
20 the purposes of this subsection:

21 1. "Agricultural composting" means the controlled biological
22 decomposition of organic solid waste under in-vessel anaerobic or aerobic
23 conditions where all or part of the materials are generated on the farmland
24 or will be used on the farmland associated with the agricultural composting
25 operation.

26 2. "Farmland" has the same meaning prescribed in section 3-111 and is
27 subject to regulation under section 49-247.

28 H. For the purposes of this section:

29 1. "Development rights" means the maximum development that would be
30 allowed on the sending property under any general or specific plan and local
31 zoning ordinance of a municipality in effect on the date the municipality
32 adopts an ordinance pursuant to subsection A, paragraph 12 of this section
33 respecting the permissible use, area, bulk or height of improvements made to
34 the lot or parcel. Development rights may be calculated and allocated in
35 accordance with factors including dwelling units, area, floor area, floor
36 area ratio, height limitations, traffic generation or any other criteria that
37 will quantify a value for the development rights in a manner that will carry
38 out the objectives of this section.

39 2. "Receiving property" means a lot or parcel within which development
40 rights are increased pursuant to a transfer of development rights. Receiving
41 property shall be appropriate and suitable for development and shall be
42 sufficient to accommodate the transferable development rights of the sending
43 property without substantial adverse environmental, economic or social impact
44 to the receiving property or to neighboring property.

45 3. "Sending property" means a lot or parcel with special
46 characteristics, including farmland, woodland, desert land, mountain land,

1 floodplain, natural habitats, recreation or parkland, including golf course
2 area, or land that has unique aesthetic, architectural or historic value that
3 a municipality desires to protect from future development.

4 4. "Transfer of development rights" means the process by which
5 development rights from a sending property are affixed to one or more
6 receiving properties.

7 Sec. 2. Section 11-811, Arizona Revised Statutes, as added by Laws
8 2010, chapter 244, section 7, is amended to read:

9 11-811. Zoning ordinance; zoning districts; definitions

10 A. Pursuant to this article, the board of supervisors may adopt a
11 zoning ordinance in order to conserve and promote the public health, safety,
12 convenience and general welfare. The zoning ordinance and all rezonings and
13 zoning regulations amendments adopted under this article shall be consistent
14 with and conform to the adopted comprehensive plan. In addition to the other
15 matters that are required or authorized under this section and article 1 of
16 this chapter, the zoning ordinance:

17 1. Shall show the zoning districts designated as appropriate for
18 various classes of residential, business and industrial uses and shall
19 provide for the establishment of setback lines and other plans providing for
20 adequate light, air and parking facilities and for expediting traffic within
21 the districts.

22 2. May establish the percentage of a lot or parcel that may be covered
23 by buildings and the size of yards, courts and other open spaces.

24 3. Shall consider access to incident solar energy.

25 4. May provide for retirement community zoning districts.

26 5. May provide for the regulation and use of business licenses, adult
27 oriented business manager permits and adult service provider permits in
28 conjunction with the establishment or operation of adult oriented businesses
29 and facilities, including adult arcades, adult bookstores or video stores,
30 cabarets, adult live entertainment establishments, adult motion picture
31 theaters, adult theaters, massage establishments and nude model studios.
32 With respect to cabarets, the ordinance shall not conflict with specific
33 statutory or valid regulatory requirements applicable to persons licensed to
34 dispense alcoholic beverages, but the ordinance may include regulation of the
35 age and conduct of erotic entertainers in a manner at least as restrictive as
36 rules adopted under title 4. Notwithstanding section 11-812, a county in
37 regulating or licensing businesses and facilities pursuant to this paragraph
38 may impose reasonable operating requirements that affect the existing uses of
39 businesses and facilities.

40 6. Shall designate and zone appropriate areas of reasonable size in
41 which there may be established with reasonable permanency canneries,
42 fertilizer plants, refineries, commercial feed lots, meat packing plants,
43 tallow works and other like businesses.

44 7. SHALL PROVIDE FOR REASONABLE HEIGHTS AND DIMENSIONS FOR
45 ACCOMMODATION OF AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS
46 ANTENNAE AND STRUCTURES IN GENERAL ZONING REGULATIONS.

1 B. To carry out the purposes of this article, the board may adopt
2 overlay zoning districts and regulations applicable to particular buildings,
3 structures and land within individual zones. For the purposes of this
4 subsection, "overlay zoning district" means a special zoning district that
5 includes regulations that modify regulations in another zoning district with
6 which the overlay zoning district is combined. Overlay zoning districts and
7 regulations shall be adopted pursuant to section 11-813. The provisions of
8 overlay zoning shall apply retroactively to authorize overlay zoning
9 districts and regulations adopted before April 20, 1993.

10 C. This section does not authorize:

11 1. The imposition of dedications, exactions, fees or other
12 requirements that are not otherwise authorized by law.

13 2. The regulation or restriction of the use or occupation of land or
14 improvements for railroad, mining, metallurgical, grazing or general
15 agricultural purposes, if the tract concerned is five or more contiguous
16 commercial acres.

17 D. For the purposes of this section:

18 1. "Adult arcade" means any place to which the public is permitted or
19 invited and in which coin-operated or slug-operated or electronically,
20 electrically or mechanically controlled still or motion picture machines,
21 projectors or other image producing devices are maintained to show images
22 involving specific sexual activities or specific anatomical areas to persons
23 in booths or viewing rooms.

24 2. "Adult bookstore or video store" means a commercial establishment
25 that offers for sale or rent any of the following as one of its principal
26 business purposes:

27 (a) Books, magazines, periodicals or other printed matter,
28 photographs, films, motion pictures, videocassettes or reproductions or
29 slides or other visual representations that depict or describe specific
30 sexual activities or specific anatomical areas.

31 (b) Instruments, devices or paraphernalia that are designed for use in
32 connection with specific sexual activities.

33 3. "Adult live entertainment establishment" means an establishment
34 that features either:

35 (a) Persons who appear in a state of nudity.

36 (b) Live performances that are characterized by the exposure of
37 specific anatomical areas or specific sexual activities.

38 4. "Adult motion picture theater" means a commercial establishment in
39 which for any form of consideration films, motion pictures, videocassettes,
40 slides or other similar photographic reproductions that are characterized by
41 the depiction or description of specific sexual activities or specific
42 anatomical areas are predominantly shown.

43 5. "Adult oriented business" means adult arcades, adult bookstores or
44 video stores, cabarets, adult live entertainment establishments, adult motion
45 picture theaters, adult theaters, massage establishments that offer adult
46 service or nude model studios.

1 6. "Adult oriented business manager" means a person on the premises of
2 an adult oriented business who is authorized to exercise overall operational
3 control of the business.

4 7. "Adult service" means dancing, serving food or beverages, modeling,
5 posing, wrestling, singing, reading, talking, listening or other performances
6 or activities conducted for any consideration in an adult oriented business
7 by a person who is nude or seminude during all or part of the time that the
8 person is providing the service.

9 8. "Adult service provider" or "erotic entertainer" means any natural
10 person who provides an adult service.

11 9. "Adult theater" means a theater, concert hall, auditorium or
12 similar commercial establishment that predominantly features persons who
13 appear in a state of nudity or who engage in live performances that are
14 characterized by the exposure of specific anatomical areas or specific sexual
15 activities.

16 10. "Cabaret" means an adult oriented business licensed to provide
17 alcoholic beverages pursuant to title 4, chapter 2, article 1.

18 11. "Discernibly turgid state" means the state of being visibly
19 swollen, bloated, inflated or distended.

20 12. "Massage establishment" means an establishment in which a person,
21 firm, association or corporation engages in or permits massage activities,
22 including any method of pressure on, friction against, stroking, kneading,
23 rubbing, tapping, pounding, vibrating or stimulating of external soft parts
24 of the body with the hands or with the aid of any mechanical apparatus or
25 electrical apparatus or appliance. This paragraph does not apply to:

26 (a) ~~Physicians~~ PERSONS who are licensed pursuant to title 32, chapter
27 7, 8, 13, 14 or 17.

28 (b) Registered nurses, licensed practical nurses or technicians who
29 are acting under the supervision of a physician who is licensed pursuant to
30 title 32, chapter 13 or 17.

31 (c) Registered nurse practitioners who are licensed pursuant to title
32 32, chapter 15.

33 (d) Persons who are employed or acting as trainers for a bona fide
34 amateur, semiprofessional or professional athlete or athletic team.

35 (e) Persons who are licensed pursuant to title 32, chapter 3 or 5 if
36 the activity is limited to the head, face or neck.

37 13. "Nude model studio" means a place in which a person who appears in
38 a state of nudity or who displays specific anatomical areas is observed,
39 sketched, drawn, painted, sculptured, photographed or otherwise depicted by
40 other persons who pay money or other consideration. Nude model studio does
41 not include a proprietary school that is licensed by this state, a college,
42 community college or university that is supported entirely or in part by
43 taxation, a private college or university that maintains and operates
44 educational programs in which credits are transferable to a college,
45 community college or university that is supported entirely or in part by
46 taxation or a structure to which the following apply:

1 (a) A sign is not visible from the exterior of the structure and no
2 other advertising appears indicating that a nude person is available for
3 viewing.

4 (b) A student must enroll at least three days in advance of a class in
5 order to participate.

6 (c) No more than one nude or seminude model is on the premises at any
7 time.

8 14. "Nude", "nudity" or "state of nudity" means any of the following:

9 (a) The appearance of a human anus, genitals or a female breast below
10 a point immediately above the top of the areola.

11 (b) A state of dress that fails to opaquely cover a human anus,
12 genitals or a female breast below a point immediately above the top of the
13 areola.

14 15. "Principal business purposes" means that a commercial establishment
15 derives fifty per cent or more of its gross income from the sale or rental of
16 items listed in paragraph 2 of this subsection.

17 16. "Seminude" means a state of dress in which clothing covers no more
18 than the genitals, pubic region and female breast below a point immediately
19 above the top of the areola, as well as portions of the body that are covered
20 by supporting straps or devices.

21 17. "Specific anatomical areas" means any of the following:

22 (a) A human anus, genitals, the pubic region or a female breast below
23 a point immediately above the top of the areola that is less than completely
24 and opaquely covered.

25 (b) Male genitals in a discernibly turgid state even if completely and
26 opaquely covered.

27 18. "Specific sexual activities" means any of the following:

28 (a) Human genitals in a state of sexual stimulation or arousal.

29 (b) Sex acts, normal or perverted, actual or simulated, including acts
30 of human masturbation, sexual intercourse, oral copulation or sodomy.

31 (c) Fondling or other erotic touching of the human genitals, pubic
32 region, buttocks, anus or female breast.

33 (d) Excretory functions as part of or in connection with any of the
34 activities under subdivision (a), (b) or (c) of this paragraph.

35 Sec. 3. Section 33-1808, Arizona Revised Statutes, is amended to read:

36 33-1808. Flag display; political signs; caution signs; for sale
37 signs; political petitions; amateur radio structures

38 A. Notwithstanding any provision in the community documents, an
39 association shall not prohibit the outdoor display of any of the following:

40 1. The American flag or an official or replica of a flag of the United
41 States army, navy, air force, marine corps or coast guard by an association
42 member on that member's property if the American flag or military flag is
43 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
44 Stat. 810; 4 United States Code sections 4 through 10).

45 2. The POW/MIA flag.

46 3. The Arizona state flag.

1 4. An Arizona Indian nations flag.

2 B. The association shall adopt reasonable rules and regulations
3 regarding the placement and manner of display of the American flag, the
4 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
5 nations flag. The association rules may regulate the location and size of
6 flagpoles but shall not prohibit the installation of a flagpole.

7 C. Notwithstanding any provision in the community documents, an
8 association shall not prohibit the indoor or outdoor display of a political
9 sign by an association member on that member's property, except that an
10 association may prohibit the display of political signs earlier than
11 forty-five days before the day of an election and later than seven days after
12 an election day. An association may regulate the size and number of
13 political signs that may be placed on a member's property if the
14 association's regulation is no more restrictive than any applicable city,
15 town or county ordinance that regulates the size and number of political
16 signs on residential property. If the city, town or county in which the
17 property is located does not regulate the size and number of political signs
18 on residential property, the association shall permit at least one political
19 sign with the maximum dimensions of twenty-four inches by twenty-four inches
20 on a member's property. For the purposes of this subsection, "political
21 sign" means a sign that attempts to influence the outcome of an election,
22 including supporting or opposing the recall of a public officer or supporting
23 or opposing the circulation of a petition for a ballot measure, question or
24 proposition or the recall of a public officer.

25 D. Notwithstanding any provision in the community documents, an
26 association shall not prohibit the use of cautionary signs regarding children
27 if the signs are used and displayed as follows:

- 28 1. The signs are displayed in residential areas only.
- 29 2. The signs are removed within one hour of children ceasing to play.
- 30 3. The signs are displayed only when children are actually present
31 within fifty feet of the sign.
- 32 4. The temporary signs are no taller than three feet in height.
- 33 5. The signs are professionally manufactured or produced.

34 E. Notwithstanding any provision in the community documents, an
35 association shall not prohibit children who reside in the planned community
36 from engaging in recreational activity on residential roadways that are under
37 the jurisdiction of the association and on which the posted speed limit is
38 twenty-five miles per hour or less.

39 F. Notwithstanding any provision in the community documents, an
40 association shall not prohibit the indoor or outdoor display of a for sale
41 sign and a sign rider by an association member on that member's property,
42 including a sign that indicates the member is offering the property for sale
43 by owner. The size of a sign offering a property for sale shall be in
44 conformance with the industry standard size sign, which shall not exceed
45 eighteen by twenty-four inches, and the industry standard size sign rider,
46 which shall not exceed six by twenty-four inches. With respect to real

1 estate for sale or lease in the planned community, an association shall not
2 prohibit or otherwise regulate any of the following:

3 1. Temporary open house signs or a ~~unit owner's~~ MEMBER'S for sale
4 sign. The association shall not require the use of particular signs
5 indicating an open house or real property for sale and may not further
6 regulate the use of temporary open house or for sale signs that are industry
7 standard size and that are owned or used by the seller or the seller's agent.

8 2. Open house hours. The association may not limit the hours for an
9 open house for real estate that is for sale in the planned community, except
10 that the association may prohibit an open house being held before 8:00 a.m.
11 or after 6:00 p.m. and may prohibit open house signs on the common areas of
12 the planned community.

13 3. An owner's or an owner's agent's for lease sign unless an
14 association's documents prohibit or restrict leasing of a member's property.
15 An association shall not further regulate a for lease sign or require the use
16 of a particular for lease sign other than the for lease sign shall not be any
17 larger than the industry standard size sign of eighteen by twenty-four inches
18 on or in the member's property. If leasing of a member's property is not
19 prohibited or restricted, the association may prohibit open house leasing
20 being held before 8:00 a.m. or after 6:00 p.m.

21 G. Notwithstanding any provision in the community documents, an
22 association shall not prohibit but may reasonably regulate the circulation of
23 political petitions, including candidate nomination petitions or petitions in
24 support of or opposition to an initiative, referendum or recall or other
25 political issue on property dedicated to the public within the association.
26 A planned community is not required to comply with this subsection if the
27 planned community restricts vehicular or pedestrian access to the planned
28 community. Nothing in this subsection requires a planned community to make
29 its common elements available for the circulation of political petitions to
30 anyone who is not an owner or resident of the community.

31 H. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
32 ASSOCIATION SHALL PROVIDE FOR REASONABLE HEIGHTS AND DIMENSIONS FOR
33 ACCOMMODATION OF AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS
34 ANTENNAE AND STRUCTURES.

35 Sec. 4. Effective date

36 This act is effective from and after September 30, 2011.