

REFERENCE TITLE: cities; counties; regulatory review

State of Arizona
Senate
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2011

SB 1598

Introduced by
Senators Klein, Allen; Representatives Burges, Jones, Montenegro,
Williams: Senators Melvin, Pierce S, Shooter; Representatives Carter,
Fann, Pratt

AN ACT

AMENDING SECTIONS 9-461, 9-461.05 AND 9-461.06, ARIZONA REVISED STATUTES;
AMENDING TITLE 9, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4;
AMENDING SECTIONS 11-801, 11-804 AND 11-805, ARIZONA REVISED STATUTES, AS
ADDED BY LAWS 2010, CHAPTER 244, SECTION 7; AMENDING TITLE 11, ARIZONA
REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING SECTION 12-348, ARIZONA
REVISED STATUTES; RELATING TO CITY AND COUNTY REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-461, Arizona Revised Statutes, is amended to read:

9-461. Definitions

In this article, unless the context otherwise requires:

1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

~~1-~~ 2. "General plan" means a municipal statement of land development policies, ~~which~~ THAT may include maps, charts, graphs and text ~~which~~ THAT set forth objectives, principles and standards for local growth and redevelopment enacted under the provisions of this article or any prior statute.

~~2-~~ 3. "Municipal" or "municipality" means an incorporated city or town.

~~3-~~ 4. "Planning agency" means the official body designated by local ordinance to carry out the purposes of this article and may be a planning department, a planning commission, a hearing officer, the legislative body itself, or any combination thereof.

~~4-~~ 5. "Right-of-way" means any public right-of-way and includes any area required for public use pursuant to any general or specific plan.

~~5-~~ 6. "Specific plan" means a detailed element of the general plan enacted under the provisions of this article or a prior statute.

~~6-~~ 7. "Street" means streets, highways, freeways, expressways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public access easements and rights-of-way.

~~7-~~ 8. "Subdivision regulations" means a municipal ordinance regulating the design and improvement of subdivisions enacted under the provisions of article 6.2 of this chapter, or any prior statute, regulating the design and improvement of subdivisions.

~~8-~~ 9. "Zoning ordinance" means a municipal ordinance regulating the use of land, ~~OR~~ structures, or both, under the provisions of this article.

Sec. 2. Section 9-461.05, Arizona Revised Statutes, is amended to read:

9-461.05. General plans; authority; scope

A. Each planning agency shall prepare and the governing body of each municipality shall adopt a comprehensive, long-range general plan for the development of the municipality. The planning agency shall coordinate the production of its general plan with the creation of the state land department conceptual land use plans under title 37, chapter 2, article 5.1 and shall cooperate with the state land department regarding integrating the conceptual state land use plans into the municipality's general land use plan. The general plan shall include provisions that identify changes or modifications to the plan that constitute amendments and major amendments. The plan shall be adopted and readopted in the manner prescribed by section 9-461.06.

1 B. The general plan shall be so prepared that all or individual
2 elements of it may be adopted by the governing body and that it may be made
3 applicable to all or part of the territory of the municipality.

4 C. The general plan shall consist of a statement of community goals
5 and development policies. It shall include maps, any necessary diagrams and
6 text setting forth objectives, principles, standards and plan proposals. The
7 plan shall include the following elements:

8 1. A land use element that:

9 (a) Designates the proposed general distribution and location and
10 extent of such uses of the land for housing, business, industry, agriculture,
11 recreation, education, public buildings and grounds, open space and other
12 categories of public and private uses of land as may be appropriate to the
13 municipality.

14 (b) Includes a statement of the standards of population density and
15 building intensity recommended for the various land use categories covered by
16 the plan.

17 (c) Identifies specific programs and policies that the municipality
18 may use to promote infill or compact form development activity and locations
19 where those development patterns should be encouraged.

20 (d) Includes consideration of air quality and access to incident solar
21 energy for all general categories of land use.

22 (e) Includes policies that address maintaining a broad variety of land
23 uses, including the range of uses existing in the municipality when the plan
24 is adopted, readopted or amended.

25 (f) For cities and towns with territory in the vicinity of a military
26 airport or ancillary military facility as defined in section 28-8461,
27 includes consideration of military airport or ancillary military facility
28 operations. On or before December 31, 2005, if a city or town includes land
29 in a high noise or accident potential zone as defined in section 28-8461, the
30 city or town shall identify the boundaries of the high noise or accident
31 potential zone in its general plan for purposes of planning land uses in the
32 high noise or accident potential zone that are compatible with the operation
33 of the military airport or ancillary military facility pursuant to section
34 28-8481, subsection J.

35 (g) INCLUDES SOURCES OF CURRENTLY IDENTIFIED AGGREGATES FROM MAPS THAT
36 ARE AVAILABLE FROM STATE AGENCIES, MEASURES TO PRESERVE CURRENTLY IDENTIFIED
37 AGGREGATES FOR FUTURE DEVELOPMENT AND POLICIES TO AVOID INCOMPATIBLE LAND
38 USES.

39 2. A circulation element consisting of the general location and extent
40 of existing and proposed freeways, arterial and collector streets, bicycle
41 routes and any other modes of transportation as may be appropriate, all
42 correlated with the land use element of the plan.

43 D. For cities and towns having a population of more than two thousand
44 five hundred persons but less than ten thousand persons and whose population
45 growth rate exceeded an average of two per cent per year for the ten year

period before the most recent United States decennial census and for cities and towns having a population of ten thousand or more persons according to the most recent United States decennial census, the general plan shall include, and for other cities and towns the general plan may include:

1. An open space element that includes:

(a) A comprehensive inventory of open space areas, recreational resources and designations of access points to open space areas and resources.

(b) An analysis of forecasted needs, policies for managing and protecting open space areas and resources and implementation strategies to acquire additional open space areas and further establish recreational resources.

(c) Policies and implementation strategies designed to promote a regional system of integrated open space and recreational resources and a consideration of any existing regional open space plans.

2. A growth area element, specifically identifying those areas, if any, that are particularly suitable for planned multimodal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism and industrial uses. This element shall include policies and implementation strategies that are designed to:

(a) Make automobile, transit and other multimodal circulation more efficient, make infrastructure expansion more economical and provide for a rational pattern of land development.

(b) Conserve significant natural resources and open space areas in the growth area and coordinate their location to similar areas outside the growth area's boundaries.

(c) Promote the public and private construction of timely and financially sound infrastructure expansion through the use of infrastructure funding and financing planning that is coordinated with development activity.

3. An environmental planning element that contains analyses, policies and strategies to address anticipated effects, if any, of plan elements on air quality, water quality and natural resources associated with proposed development under the general plan. The policies and strategies to be developed under this element shall be designed to have community-wide applicability and shall not require the production of an additional environmental impact statement or similar analysis beyond the requirements of state and federal law.

4. A cost of development element that identifies policies and strategies that the municipality will use to require development to pay its fair share toward the cost of additional public service needs generated by new development, with appropriate exceptions when in the public interest. This element shall include:

(a) A component that identifies various mechanisms that are allowed by law and that can be used to fund and finance additional public services

1 necessary to serve the development, including bonding, special taxing
2 districts, development fees, in lieu fees, facility construction, dedications
3 and service privatization.

4 (b) A component that identifies policies to ensure that any mechanisms
5 that are adopted by the municipality under this element result in a
6 beneficial use to the development, bear a reasonable relationship to the
7 burden imposed on the municipality to provide additional necessary public
8 services to the development and otherwise are imposed according to law.

9 5. A water resources element that addresses:

10 (a) The known legally and physically available surface water,
11 groundwater and effluent supplies.

12 (b) The demand for water that will result from future growth projected
13 in the general plan, added to existing uses.

14 (c) An analysis of how the demand for water that will result from
15 future growth projected in the general plan will be served by the water
16 supplies identified in subdivision (a) of this paragraph or a plan to obtain
17 additional necessary water supplies.

18 E. The general plan shall include for cities of fifty thousand persons
19 or more and may include for cities of less than fifty thousand persons the
20 following elements or any part or phase of the following elements:

21 1. A conservation element for the conservation, development and
22 utilization of natural resources, including forests, soils, rivers and other
23 waters, harbors, fisheries, wildlife, minerals and other natural resources.
24 The conservation element may also cover:

25 (a) The reclamation of land.

26 (b) Flood control.

27 (c) Prevention and control of the pollution of streams and other
28 waters.

29 (d) Regulation of the use of land in stream channels and other areas
30 required for the accomplishment of the conservation plan.

31 (e) Prevention, control and correction of the erosion of soils,
32 beaches and shores.

33 (f) Protection of watersheds.

34 2. A recreation element showing a comprehensive system of areas and
35 public sites for recreation, including the following and, if practicable,
36 their locations and proposed development:

37 (a) Natural reservations.

38 (b) Parks.

39 (c) Parkways and scenic drives.

40 (d) Beaches.

41 (e) Playgrounds and playfields.

42 (f) Open space.

43 (g) Bicycle routes.

44 (h) Other recreation areas.

3. The circulation element provided for in subsection C, paragraph 2 of this section shall also include for cities of fifty thousand persons or more and may include for cities of less than fifty thousand persons recommendations concerning parking facilities, building setback requirements and the delineations of such systems on the land, a system of street naming and house and building numbering and other matters as may be related to the improvement of circulation of traffic. The circulation element may also include:

(a) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities.

(b) A transit element showing a proposed system of rail or transit lines or other mode of transportation as may be appropriate.

4. A public services and facilities element showing general plans for police, fire, emergency services, sewage, refuse disposal, drainage, local utilities, rights-of-way, easements and facilities for them.

5. A public buildings element showing locations of civic and community centers, public schools, libraries, police and fire stations and other public buildings.

6. A housing element consisting of standards and programs for the elimination of substandard dwelling conditions, for the improvement of housing quality, variety and affordability and for provision of adequate sites for housing. This element shall contain an identification and analysis of existing and forecasted housing needs. This element shall be designed to make equal provision for the housing needs of all segments of the community regardless of race, color, creed or economic level.

7. A conservation, rehabilitation and redevelopment element consisting of plans and programs for:

(a) The elimination of slums and blighted areas.

(b) Community redevelopment, including housing sites, business and industrial sites and public building sites.

(c) Other purposes authorized by law.

8. A safety element for the protection of the community from natural and artificial hazards, including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths according to function, clearances around structures and geologic hazard mapping in areas of known geologic hazards.

9. A bicycling element consisting of proposed bicycle facilities such as bicycle routes, bicycle parking areas and designated bicycle street crossing areas.

10. An energy element that includes:

(a) A component that identifies policies that encourage and provide incentives for efficient use of energy.

1 (b) An assessment that identifies policies and practices that provide
2 for greater uses of renewable energy sources.

3 11. A neighborhood preservation and revitalization element, including:

4 (a) A component that identifies city programs that promote home
5 ownership, that provide assistance for improving the appearance of
6 neighborhoods and that promote maintenance of both commercial and residential
7 buildings in neighborhoods.

8 (b) A component that identifies city programs that provide for the
9 safety and security of neighborhoods.

10 F. The water resources element of the general plan does not require:

11 1. New independent hydrogeologic studies.

12 2. The city or town to be a water service provider.

13 G. The land use element of a general plan of a city with a population
14 of more than one million persons shall include protections from encroaching
15 development for any shooting range that is owned by this state and that is
16 located within or adjacent to the exterior municipal boundaries on or before
17 January 1, 2004. The general plan shall establish land use categories within
18 at least one-half mile from the exterior boundaries of the shooting range
19 that are consistent with the continued existence of the shooting range and
20 that exclude incompatible uses such as residences, schools, hotels, motels,
21 hospitals or churches except that land zoned to permit these incompatible
22 uses on August 25, 2004 are exempt from this exclusion. For the purposes of
23 this subsection, "shooting range" means a permanently located and improved
24 area that is designed and operated for the use of rifles, shotguns, pistols,
25 silhouettes, skeet, trap, black powder or any other similar sport shooting in
26 an outdoor environment. Shooting range does not include:

27 1. Any area for the exclusive use of archery or air guns.

28 2. An enclosed indoor facility that is designed to offer a totally
29 controlled shooting environment and that includes impenetrable walls, floor
30 and ceiling, adequate ventilation, lighting systems and acoustical treatment
31 for sound attenuation suitable for the range's approved use.

32 3. A national guard facility located in a city or town with a
33 population of more than one million persons.

34 4. A facility that was not owned by this state before January 1, 2002.

35 H. The policies and strategies to be developed under these elements
36 shall be designed to have community-wide applicability and this section does
37 not authorize the imposition of dedications, exactions, fees or other
38 requirements that are not otherwise authorized by law.

39 Sec. 3. Section 9-461.06, Arizona Revised Statutes, is amended to
40 read:

41 9-461.06. Adoption and amendment of general plan; expiration
42 and readoption

43 A. In municipalities that have territory in a high noise or accident
44 potential zone as defined in section 28-8461, the legislature finds that in
45 general plans and amendments to general plans land use compatibility with the

1 continued operation of a military airport or ancillary military facility as
2 defined in section 28-8461 is a matter of statewide concern.

3 B. The general plan and any amendment to such plan shall be adopted or
4 readopted in the manner provided in this article.

5 C. The governing body shall:

6 1. Adopt written procedures to provide effective, early and continuous
7 public participation in the development and major amendment of general plans
8 from all geographic, ethnic and economic areas of the municipality. The
9 procedures shall provide for:

10 (a) The broad dissemination of proposals and alternatives.

11 (b) The opportunity for written comments.

12 (c) Public hearings after effective notice.

13 (d) Open discussions, communications programs and information
14 services.

15 (e) Consideration of public comments.

16 2. Consult with, advise and provide an opportunity for official
17 comment by public officials and agencies, the county, school districts,
18 associations of governments, public land management agencies, the military
19 airport if the municipality has territory in the vicinity of a military
20 airport or ancillary military facility as defined in section 28-8461, other
21 appropriate government jurisdictions, public utility companies, civic,
22 educational, professional and other organizations, property owners and
23 citizens generally to secure maximum coordination of plans and to indicate
24 properly located sites for all public purposes on the general plan.

25 D. At least sixty days before the general plan or an element or major
26 amendment of a general plan is noticed pursuant to subsection E of this
27 section, the planning agency shall transmit the proposal to the planning
28 commission, if any, and the governing body and shall submit a copy for review
29 and further comment to:

30 1. The planning agency of the county in which the municipality is
31 located.

32 2. Each county or municipality that is contiguous to the corporate
33 limits of the municipality or its area of extraterritorial jurisdiction.

34 3. The regional planning agency within which the municipality is
35 located.

36 4. The department of commerce or any other state agency that is
37 subsequently designated as the general planning agency for this state.

38 5. The department of water resources for review and comment on the
39 water resources element, if a water resources element is required.

40 6. If the general plan or an element or amendment of the general plan
41 is applicable to territory in the vicinity of a military airport or ancillary
42 military facility as defined in section 28-8461, the military airport.

43 7. If the general plan or an element or major amendment of the general
44 plan is applicable to property in the high noise or accident potential zone
45 of a military airport or ancillary military facility as defined in section

28-8461, the attorney general. For the purposes of this paragraph, "major amendment" means a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element.

8. Any person or entity that requests in writing to receive a review copy of the proposal.

E. If the municipality has a planning commission, after considering any recommendations from the review required under subsection D of this section the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. When the general plan or any major amendment is being adopted, planning commissions in municipalities having populations over twenty-five thousand persons shall hold two or more public hearings at different locations within the municipality to promote citizen participation. Notice of the time and place of a hearing and availability of studies and summaries related to the hearing shall be given at least fifteen and not more than thirty calendar days before the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, the notice shall be posted in at least ten public places in the municipality.

2. Such other manner in addition to publication as the municipality may deem necessary or desirable.

F. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the governing body of the municipality.

G. Before adopting the general plan, or any amendment to it, the governing body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection E of this section.

H. The adoption or readoption of the general plan or any amendment to such plan shall be by resolution of the governing body of the municipality, after notice as provided for in subsection E of this section. The adoption or readoption of or a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality. All major amendments to the general plan proposed for adoption by the governing body of a municipality shall be presented at a single public hearing during the calendar year the proposal is made. The general plan, or any amendment to the plan, shall be endorsed in the manner provided by the governing body to show that it has been adopted by the governing body. If the municipality includes property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in section 28-8461, the governing body of the municipality shall send notice of the approval, adoption or readoption of the general plan or major amendment to the general plan to the attorney general by certified

1 mail, return receipt requested, within three business days after the
2 approval, adoption or readoption. If the attorney general determines the
3 approval, adoption or readoption of the general plan or major amendment to
4 the general plan is not in compliance with section 28-8481, subsection J, the
5 attorney general shall notify the municipality by certified mail, return
6 receipt requested, of the determination of noncompliance. The municipality
7 shall receive the notice from the attorney general within twenty-five days
8 after the notice from the municipality to the attorney general is mailed
9 pursuant to this subsection. The effective date of any approval, adoption or
10 readoption of, or major amendment to, the general plan shall be thirty days
11 after the governing body's receipt of the attorney general's determination of
12 noncompliance. Within thirty days after the receipt of a determination of
13 noncompliance by the attorney general as prescribed by this section, the
14 governing body of the municipality shall reconsider any approval, adoption or
15 readoption of, or major amendment to, the general plan that impacts property
16 in the high noise or accident potential zone of a military airport or
17 ancillary military facility as defined in section 28-8461. If the governing
18 body reaffirms a prior action subject to an attorney general's determination
19 of noncompliance pursuant to this section, the attorney general may institute
20 a civil action pursuant to section 28-8481, subsection L. If the governing
21 body timely sends notice pursuant to this subsection and the attorney general
22 fails to timely notify the governing body of a determination of
23 noncompliance, the general plan or major amendment to the general plan shall
24 be deemed to comply with section 28-8481, subsection J. If the motion to
25 adopt or readopt a general plan or an amendment to the general plan fails to
26 pass, the governing body may reconsider the motion in any manner allowed by
27 the governing body's rules of procedure, but any subsequent motion for the
28 adoption or readoption of the general plan or a major amendment to the
29 general plan must be approved by an affirmative vote of at least two-thirds
30 of the members of the governing body. For the purposes of this subsection,
31 "major amendment" means a substantial alteration of the municipality's land
32 use mixture or balance as established in the municipality's existing general
33 plan land use element. The municipality's general plan shall define the
34 criteria to determine if a proposed amendment to the general plan effects a
35 substantial alteration of the municipality's land use mixture or balance as
36 established in the municipality's existing general plan land use element.

37 I. If the municipality does not have a planning commission, the only
38 procedural steps required for the adoption of the general plan, or any
39 amendment to such plan, shall be those provided in this article for action by
40 the governing body.

41 J. A copy of the adopted general plan of a municipality shall be sent
42 to the planning agency of the county within which the municipality is
43 located, and such plan or any portion of the plan may be adopted as a part of
44 the county general plan.

1 K. A general plan, with any amendments, is effective for up to ten
2 years from the date the plan was initially adopted and ratified pursuant to
3 subsection M of this section, or until the plan is readopted pursuant to this
4 subsection and ratified pursuant to subsection M of this section or a new
5 plan is adopted pursuant to this subsection and ratified pursuant to
6 subsection M of this section, and becomes effective. On or before the tenth
7 anniversary of the plan's most recent adoption, the governing body of the
8 municipality shall either readopt the existing plan for an additional term of
9 up to ten years or shall adopt a new general plan as provided by this
10 article.

11 L. Except for general plans that are required to be submitted to the
12 voters for ratification pursuant to subsection M of this section, the
13 adoption or readoption of a general plan, and any amendment to a general
14 plan, shall not be enacted as an emergency measure and is subject to
15 referendum as provided by article IV, part 1, section 1, subsection (8),
16 Constitution of Arizona, and title 19, chapter 1, article 4.

17 M. The governing body of a city or town having a population of more
18 than two thousand five hundred persons but less than ten thousand persons and
19 whose population growth rate exceeded an average of two per cent per year for
20 the ten year period before the most recent United States decennial census,
21 and any city or town having a population of ten thousand or more persons,
22 shall submit each new general plan adopted pursuant to subsection K of this
23 section to the voters for ratification at the next regularly scheduled
24 municipal election or at a special election scheduled at least one hundred
25 twenty days after the governing body adopted the plan pursuant to section
26 16-204. The governing body shall include a general description of the plan
27 and its elements in the municipal election pamphlet and shall provide public
28 copies of the plan in at least two locations that are easily accessible to
29 the public and may include posting on the municipality's official internet
30 ~~web-site~~ WEBSITE. If a majority of the qualified electors voting on the
31 proposition approves the new plan, it shall become effective as provided by
32 law. If a majority of the qualified electors voting on the proposition fails
33 to approve the new plan, the current plan remains in effect until a new plan
34 is approved by the voters pursuant to this subsection. The governing body
35 shall either resubmit the proposed new plan, or revise the new plan as
36 provided by this section, for subsequent submission to the voters at the next
37 regularly scheduled municipal election or at a special election scheduled at
38 least one hundred twenty days after the governing body readopted the new or
39 revised new plan. All subsequent adoptions and submissions of the new plan
40 or revised plans must comply with the procedures prescribed by this section
41 until the plan is ratified.

42 N. In applying an open space element or a growth element of a general
43 plan a municipality shall not designate private land or state trust land as
44 open space, recreation, conservation or agriculture unless the municipality
45 receives the written consent of the landowner or provides an alternative,

economically viable designation in the general plan or zoning ordinance, allowing at least one residential dwelling per acre. If the landowner is the prevailing party in any action brought to enforce this subsection, a court shall award fees and other expenses to the landowner. A municipality may designate land as open space without complying with the requirements of this subsection if the land was zoned as open space and used as a golf course pursuant to a zoning ordinance adopted pursuant to article 6.1 of this chapter before May 1, 2000 and the designation does not impose additional conditions, limitations or restrictions on the golf course, unless the land is state trust land that was not planned and zoned as open space pursuant to title 37, chapter 2, article 5.1.

0. A PERSON WHO IS AGGRIEVED BY A DECISION OF THE GOVERNING BODY FOR A VIOLATION OF THE NONDISCRETIONARY REQUIREMENTS PRESCRIBED IN SECTION 9-461.05, AFTER HAVING PARTICIPATED IN THE PUBLIC HEARING PURSUANT TO SUBSECTION H OF THIS SECTION, MAY FILE A PETITION FOR SPECIAL ACTION IN SUPERIOR COURT TO REVIEW THE DECISION WITHIN THIRTY DAYS AFTER THE GOVERNING BODY HAS RENDERED ITS DECISION. THE COURT MAY AFFIRM, MODIFY OR REVERSE, IN WHOLE OR IN PART, THE DECISION REVIEWED.

Sec. 4. Title 9, chapter 7, Arizona Revised Statutes, is amended by adding article 4, to read:

ARTICLE 4. MUNICIPAL REGULATIONS ON BUSINESSES

9-831. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

3. "MUNICIPAL" OR "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

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

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

9-832. Regulatory bill of rights

TO ENSURE FAIR AND OPEN REGULATION BY MUNICIPALITIES, A PERSON:

1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A MUNICIPALITY IN A

1 COURT PROCEEDING REGARDING A MUNICIPALITY DECISION AS PROVIDED IN SECTION
2 12-348.

3 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS
4 AS PROVIDED IN SECTION 9-833.

5 3. IS ENTITLED TO HAVE A MUNICIPALITY NOT BASE A LICENSING DECISION IN
6 WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT
7 SPECIFICALLY AUTHORIZED AS PROVIDED IN SECTION 9-834, SUBSECTION A.

8 4. IS ENTITLED TO HAVE A MUNICIPALITY NOT ADOPT AN ORDINANCE OR CODE
9 UNDER A SPECIFIC GRANT OF AUTHORITY THAT EXCEEDS THE SUBJECT MATTER AREAS
10 LISTED IN THE SPECIFIC GRANT OF AUTHORITY OR NOT ADOPT AN ORDINANCE OR CODE
11 UNDER A GENERAL GRANT OF AUTHORITY TO SUPPLEMENT A MORE SPECIFIC GRANT OF
12 AUTHORITY AS PROVIDED IN SECTION 9-834, SUBSECTION B.

13 5. MAY HAVE A MUNICIPALITY APPROVE OR DENY THE PERSON'S LICENSE
14 APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION
15 9-835

16 6. IS ENTITLED TO RECEIVE WRITTEN NOTICE FROM A MUNICIPALITY ON DENIAL
17 OF A LICENSE APPLICATION:

18 (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE ORDINANCE, CODE
19 OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS
20 PROVIDED IN SECTION 9-835.

21 (b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS
22 PROVIDED IN SECTION 9-835.

23 7. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE
24 APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A
25 LICENSE AS PROVIDED IN SECTION 9-836.

26 8. MAY INSPECT ALL ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS
27 OF A MUNICIPALITY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE
28 MUNICIPALITY AS PROVIDED IN SECTION 9-837.

29 9. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT MUNICIPALITIES TO AVOID
30 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID
31 DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION
32 9-834.

33 10. MAY FILE A COMPLAINT WITH THE CITY COUNCIL CONCERNING AN
34 ORDINANCE, CODE OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH
35 THIS SECTION.

36 9-833. Inspections; applicability

37 A. A MUNICIPAL INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A
38 REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

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

40 2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE
41 INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

42 3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

43 4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE
44 OF THE REGULATED PERSON ACCOMPANY THE MUNICIPAL INSPECTOR OR REGULATOR ON THE
45 PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

1 5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

2 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN BY THE MUNICIPALITY DURING
3 THE INSPECTION IF THE MUNICIPALITY IS PERMITTED BY LAW TO TAKE ORIGINAL
4 DOCUMENTS.

5 (b) A SPLIT OF ANY SAMPLES TAKEN DURING THE INSPECTION IF THE SPLIT OF
6 ANY SAMPLES WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN
7 ANALYSIS INCONCLUSIVE.

8 (c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE
9 INSPECTION.

10 6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE MUNICIPAL INSPECTOR
11 OR REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS
12 BEING TAPE RECORDED.

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

15 B. ON INITIATION OF AN INSPECTION OF ANY PREMISES OF A REGULATED
16 PERSON, A MUNICIPAL INSPECTOR OR REGULATOR SHALL PROVIDE THE FOLLOWING IN
17 WRITING:

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

19 2. THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON AVAILABLE TO
20 ANSWER QUESTIONS REGARDING THE INSPECTION.

21 3. THE DUE PROCESS RIGHTS RELATING TO AN APPEAL OF A FINAL DECISION OF
22 A MUNICIPALITY BASED ON THE RESULTS OF THE INSPECTION, INCLUDING THE NAME AND
23 TELEPHONE NUMBER OF A PERSON TO CONTACT WITHIN THE MUNICIPALITY AND ANY
24 APPROPRIATE MUNICIPALITY, COUNTY OR STATE GOVERNMENT OMBUDSMAN.

25 C. A MUNICIPAL INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF
26 THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE
27 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE
28 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ
29 THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE
30 REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S
31 INSPECTION AND DUE PROCESS RIGHTS. THE MUNICIPALITY SHALL MAINTAIN A COPY OF
32 THIS SIGNATURE WITH THE INSPECTION REPORT AND SHALL LEAVE A COPY WITH THE
33 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A
34 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT
35 THE SITE OR REFUSES TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS
36 SECTION, THE MUNICIPAL INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE
37 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION.

38 D. A MUNICIPALITY THAT CONDUCTS AN INSPECTION SHALL GIVE A COPY OF THE
39 INSPECTION REPORT TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE
40 REGULATED PERSON EITHER:

41 1. AT THE TIME OF THE INSPECTION.

42 2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS
43 AFTER THE INSPECTION.

44 3. AS OTHERWISE REQUIRED BY FEDERAL LAW.

1 E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING
2 AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE MUNICIPALITY MAY
3 PROVIDE THE REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES
4 UNLESS THE MUNICIPALITY DETERMINES THAT THE DEFICIENCIES ARE:

- 5 1. COMMITTED INTENTIONALLY.
- 6 2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY
7 THE MUNICIPALITY.
- 8 3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.
- 9 4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE
10 ENVIRONMENT.

11 F. IF THE MUNICIPALITY ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO
12 CORRECT THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE
13 REGULATED PERSON SHALL NOTIFY THE MUNICIPALITY WHEN THE DEFICIENCIES HAVE
14 BEEN CORRECTED. WITHIN THIRTY DAYS OF RECEIPT OF NOTIFICATION FROM THE
15 REGULATED PERSON THAT THE DEFICIENCIES HAVE BEEN CORRECTED, THE MUNICIPALITY
16 SHALL DETERMINE IF THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND
17 NOTIFY THE REGULATED PERSON WHETHER OR NOT THE REGULATED PERSON IS IN
18 SUBSTANTIAL COMPLIANCE. IF THE REGULATED PERSON FAILS TO CORRECT THE
19 DEFICIENCIES OR THE MUNICIPALITY DETERMINES THE DEFICIENCIES HAVE NOT BEEN
20 CORRECTED WITHIN A REASONABLE PERIOD OF TIME, THE MUNICIPALITY MAY TAKE ANY
21 ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE DEFICIENCIES.

22 G. A MUNICIPALITY'S DECISION PURSUANT TO SUBSECTION E OR F OF THIS
23 SECTION IS NOT AN APPEALABLE MUNICIPAL ACTION.

24 H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION,
25 A MUNICIPALITY SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE ON THE STATUS
26 OF ANY MUNICIPAL ACTION RESULTING FROM AN INSPECTION OF THE REGULATED PERSON.
27 A MUNICIPALITY IS NOT REQUIRED TO PROVIDE AN UPDATE AFTER THE REGULATED
28 PERSON IS NOTIFIED THAT NO MUNICIPAL ACTION WILL RESULT FROM THE
29 MUNICIPALITY'S INSPECTION OR AFTER THE COMPLETION OF MUNICIPAL ACTION
30 RESULTING FROM THE MUNICIPALITY'S INSPECTION.

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

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

36 1. TO CRIMINAL INVESTIGATIONS, INVESTIGATIONS UNDER TRIBAL-STATE
37 GAMING COMPACTS AND UNDERCOVER INVESTIGATIONS THAT ARE GENERALLY OR
38 SPECIFICALLY AUTHORIZED BY LAW.

39 2. IF THE INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO BELIEVE
40 THAT THE REGULATED PERSON MAY BE ENGAGED IN CRIMINAL ACTIVITY.

41 3. TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
42 ESTABLISHED BY SECTION 41-1821.

43 K. IF AN INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION OF THIS
44 SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE IN A
45 CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,

1 SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY
2 OF MORE THAN ONE THOUSAND DOLLARS.

3 L. FAILURE OF A MUNICIPALITY, BOARD OR COMMISSION EMPLOYEE TO COMPLY
4 WITH THIS SECTION:

5 1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO
6 SECTION 41-770.

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

9 M. A MUNICIPALITY MAY ADOPT RULES TO IMPLEMENT SUBSECTION A, PARAGRAPH
10 5 OF THIS SECTION.

11 N. THIS SECTION SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL
12 PROCEEDING.

13 9-834. Prohibited acts by municipalities

14 A. A MUNICIPALITY SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN
15 PART ON A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY
16 AUTHORIZED BY STATUTE, RULE, ORDINANCE OR CODE. A GENERAL GRANT OF AUTHORITY
17 DOES NOT CONSTITUTE A BASIS FOR IMPOSING A LICENSING REQUIREMENT OR CONDITION
18 UNLESS THE AUTHORITY SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

19 B. A MUNICIPALITY SHALL NOT:

20 1. ADOPT AN ORDINANCE OR CODE UNDER A SPECIFIC GRANT OF AUTHORITY THAT
21 EXCEEDS THE SUBJECT MATTER AREAS LISTED IN THE SPECIFIC GRANT OF AUTHORITY.

22 2. ADOPT AN ORDINANCE OR CODE UNDER A GENERAL GRANT OF AUTHORITY TO
23 SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY.

24 C. UNLESS SPECIFICALLY AUTHORIZED, A MUNICIPALITY SHALL AVOID
25 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND SHALL
26 AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

27 D. THIS SECTION DOES NOT PROHIBIT MUNICIPAL FLEXIBILITY TO ISSUE
28 LICENSES OR ADOPT ORDINANCES OR CODES.

29 9-835. Licensing time frames; compliance; consequence for
30 failure to comply with time frame; exception

31 A. FOR ANY NEW ORDINANCE OR CODE REQUIRING A LICENSE, A MUNICIPALITY
32 SHALL HAVE IN PLACE AN OVERALL TIME FRAME DURING WHICH THE MUNICIPALITY WILL
33 EITHER GRANT OR DENY EACH TYPE OF LICENSE THAT IT ISSUES. THE OVERALL TIME
34 FRAME FOR EACH TYPE OF LICENSE SHALL STATE SEPARATELY THE ADMINISTRATIVE
35 COMPLETENESS REVIEW TIME FRAME AND THE SUBSTANTIVE REVIEW TIME FRAME.

36 B. ON OR BEFORE DECEMBER 31, 2012, A MUNICIPALITY THAT ISSUES LICENSES
37 REQUIRED UNDER EXISTING ORDINANCES OR CODES SHALL HAVE IN PLACE AN OVERALL
38 TIME FRAME DURING WHICH THE MUNICIPALITY WILL EITHER GRANT OR DENY EACH TYPE
39 OF LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH TYPE OF LICENSE
40 SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND
41 THE SUBSTANTIVE REVIEW TIME FRAME. MUNICIPALITIES SHALL PRIORITIZE THE
42 ESTABLISHMENT OF TIME FRAMES FOR THOSE LICENSES THAT HAVE THE GREATEST IMPACT
43 ON THE PUBLIC.

44 C. IN ESTABLISHING TIME FRAMES, MUNICIPALITIES SHALL CONSIDER ALL OF
45 THE FOLLOWING:

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

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

9 7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE MUNICIPALITY AND THE
10 REGULATED COMMUNITY.

11 8. INCREASED MUNICIPAL FLEXIBILITY IN STRUCTURING THE LICENSING
12 PROCESS AND PERSONNEL.

13 D. A MUNICIPALITY SHALL ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
14 COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE WITHIN THE
15 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.

16 E. IF A MUNICIPALITY DETERMINES THAT AN APPLICATION FOR A LICENSE IS
17 NOT ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL INCLUDE A COMPREHENSIVE
18 LIST OF THE SPECIFIC DEFICIENCIES IN THE WRITTEN NOTICE PROVIDED PURSUANT TO
19 SUBSECTION D. IF THE MUNICIPALITY ISSUES A WRITTEN NOTICE OF DEFICIENCIES
20 WITHIN THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE ADMINISTRATIVE
21 COMPLETENESS REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM
22 THE DATE THE NOTICE IS ISSUED UNTIL THE DATE THAT THE MUNICIPALITY RECEIVES
23 THE MISSING INFORMATION FROM THE APPLICANT.

24 F. IF A MUNICIPALITY DOES NOT ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
25 COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW
26 TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE. IF A
27 MUNICIPALITY ISSUES A TIMELY WRITTEN NOTICE OF DEFICIENCIES, AN APPLICATION
28 SHALL NOT BE COMPLETE UNTIL ALL REQUESTED INFORMATION HAS BEEN RECEIVED BY
29 THE MUNICIPALITY.

30 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A MUNICIPALITY MAY MAKE
31 ONE COMPREHENSIVE WRITTEN REQUEST FOR ADDITIONAL INFORMATION. THE
32 MUNICIPALITY AND APPLICANT MAY MUTUALLY AGREE IN WRITING TO ALLOW THE
33 MUNICIPALITY TO SUBMIT SUPPLEMENTAL REQUESTS FOR ADDITIONAL INFORMATION. IF
34 A MUNICIPALITY ISSUES A COMPREHENSIVE WRITTEN REQUEST OR A SUPPLEMENTAL
35 REQUEST BY MUTUAL WRITTEN AGREEMENT FOR ADDITIONAL INFORMATION, THE
36 SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM
37 THE DATE THE REQUEST IS ISSUED UNTIL THE DATE THAT THE MUNICIPALITY RECEIVES
38 THE ADDITIONAL INFORMATION FROM THE APPLICANT.

39 H. BY MUTUAL WRITTEN AGREEMENT, A MUNICIPALITY AND AN APPLICANT FOR A
40 LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME
41 FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL
42 TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL TIME FRAME.

43 I. UNLESS A MUNICIPALITY AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE
44 TO EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME
45 PURSUANT TO SUBSECTION H, A MUNICIPALITY SHALL ISSUE A WRITTEN NOTICE

1 GRANTING OR DENYING A LICENSE TO AN APPLICANT. IF A MUNICIPALITY DENIES AN
2 APPLICATION FOR A LICENSE, THE MUNICIPALITY SHALL INCLUDE IN THE WRITTEN
3 NOTICE AT LEAST THE FOLLOWING INFORMATION:

4 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES,
5 ORDINANCES, CODES OR SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS
6 BASED.

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

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

24 K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN DAYS
25 AFTER RECEIPT OF INITIAL APPLICATION.

26 9-836. License application process

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

33 3. THE NAME AND TELEPHONE NUMBER OF A MUNICIPAL CONTACT PERSON WHO CAN
34 ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

35 9-837. Directory of documents

36 THE MUNICIPALITY SHALL PUBLISH, OR PROMINENTLY PLACE ON THE MUNICIPAL
37 WEBSITE, AT LEAST ANNUALLY A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL
38 CURRENTLY APPLICABLE ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS.
39 THE MUNICIPALITY SHALL KEEP COPIES OF THIS DIRECTORY AND ALL SUBSTANTIVE
40 POLICY STATEMENTS AT ONE LOCATION. THE DIRECTORY, ORDINANCES, CODES,
41 SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS INCORPORATED BY REFERENCE IN
42 THE DOCUMENTS SHALL BE OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE
43 MUNICIPALITY.

9-837. Complaints: governing body review

THE GOVERNING BODY MAY RECEIVE COMPLAINTS CONCERNING ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS OR MUNICIPALITY PRACTICES ALLEGED TO VIOLATE THIS ARTICLE. THE GOVERNING BODY MAY REVIEW ANY ORDINANCE, CODE, SUBSTANTIVE POLICY STATEMENT OR MUNICIPAL PRACTICE ALLEGED TO VIOLATE THIS ARTICLE AND MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE GOVERNING BODY MAY RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS OR MUNICIPALITY PRACTICES ALLEGED TO VIOLATE THIS ARTICLE.

Sec. 5. Section 11-801, Arizona Revised Statutes, as added by Laws 2010, chapter 244, section 7, is amended to read:

11-801. Definitions

In this chapter, unless the context otherwise requires:

1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

~~1-~~ 2. "Area of jurisdiction" means that part of the county outside the corporate limits of any municipality.

~~2-~~ 3. "Board" means the board of supervisors.

~~3-~~ 4. "Commission" means the county planning and zoning commission.

~~4-~~ 5. "Indian reservation" means all lands that are held in trust by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and that are currently recognized as Indian reservations by the United States department of the interior.

~~5-~~ 6. "Inspector" means the county zoning inspector.

~~6-~~ 7. "Newspaper of general circulation in the county seat" means a daily or weekly newspaper if any is published in the county seat.

~~7-~~ 8. "Rezoning" means a change in the zoning ordinance changing the zoning district boundaries within an area previously zoned.

~~8-~~ 9. "Zoning district" means any portion of a county in which the same set of zoning regulations applies.

~~9-~~ 10. "Zoning ordinance" means an ordinance that is adopted by the board of supervisors and that contains zoning regulations together with a map setting forth the precise boundaries of zoning districts within which the various zoning regulations are effective.

~~10-~~ 11. "Zoning regulations" means provisions that govern the use of land or buildings, or both, the height and location of buildings, the size of yards, courts and open spaces, the establishment of setback lines and such other matters as may otherwise be authorized under this chapter and that the board deems suitable and proper.

~~11-~~ 12. "Zoning regulations amendment" means a change in the zoning ordinance that modifies, adds to, transfers or repeals one or more zoning regulations or that adds one or more zoning regulations.

1 Sec. 6. Section 11-804, Arizona Revised Statutes, as added by Laws
2 2010, chapter 244, section 7, is amended to read:

3 11-804. Comprehensive plan; contents

4 A. The commission shall formulate and the board of supervisors shall
5 adopt or readopt a long-term comprehensive plan for the development of the
6 area of jurisdiction in the manner prescribed by this article. The
7 comprehensive plan, with the accompanying maps, plats, charts and descriptive
8 matter, shall show the commission's recommendations for the development of
9 the area of jurisdiction. The comprehensive plan shall be made with the
10 general purpose of guiding and accomplishing a coordinated, adjusted and
11 harmonious development of the area of jurisdiction pursuant to the present
12 and future needs of the county. The comprehensive plan shall be developed so
13 as to conserve the natural resources of the county, to ensure efficient
14 expenditure of public monies and to promote the health, safety, convenience
15 and general welfare of the public. The comprehensive plan may include
16 studies and recommendations relative to the location, character and extent of
17 highways, railroads, bus and other transportation routes, bicycle facilities,
18 bridges, public buildings, public services, schools, parks, open space,
19 housing quality, variety and affordability, parkways, hiking and riding
20 trails, airports, forests, wildlife areas, dams, projects affecting
21 conservation of natural resources, air quality, water quality and floodplain
22 zoning. In the preparation of the comprehensive plan, the commission shall
23 make surveys and studies of the present conditions and prospective future
24 growth of the area of the jurisdiction. The comprehensive plan shall be a
25 public record, but its purpose and effect shall be primarily as an aid to the
26 county planning and zoning commission and to the board of supervisors in the
27 performance of their duties. The comprehensive plan shall include provisions
28 that identify changes or modifications that constitute amendments and major
29 amendments to the plan.

30 B. In addition to the other matters that are required or authorized
31 under this section and this article, for counties with a population of more
32 than one hundred twenty-five thousand persons, the comprehensive plan shall
33 include, and for other counties the comprehensive plan may include:

34 1. Planning for land use that designates the proposed general
35 distribution and location and extent of uses of the land for housing,
36 business, industry, agriculture, recreation, education, public buildings and
37 grounds, open space and other categories of public and private uses of land
38 appropriate to the county. The land use plan shall include:

39 (a) A statement of the standards of population density and building
40 intensity recommended for the various land use categories covered by the
41 plan.

42 (b) Specific programs and policies that the county may use to promote
43 compact form development activity and locations where those development
44 patterns should be encouraged.

1 (c) Consideration of air quality and access to incident solar energy
2 for all general categories of land use.

3 (d) Policies that address maintaining a broad variety of land uses,
4 including the range of uses existing in the county at the time the plan is
5 adopted, readopted or amended.

6 (e) CURRENTLY IDENTIFIED SOURCES OF AGGREGATES FROM MAPS THAT ARE
7 AVAILABLE FROM STATE AGENCIES, MEASURES TO PRESERVE CURRENTLY IDENTIFIED
8 AGGREGATES FOR FUTURE DEVELOPMENT AND POLICIES TO AVOID INCOMPATIBLE LAND
9 USES.

10 2. Planning for circulation consisting of the general location and
11 extent of existing and proposed freeways, arterial and collector streets,
12 bicycle routes and any other modes of transportation as may be appropriate,
13 all correlated with the land use plan under paragraph 1 of this subsection.

14 3. Planning for water resources that addresses:

15 (a) The known legally and physically available surface water,
16 groundwater and effluent supplies.

17 (b) The demand for water that will result from future growth projected
18 in the comprehensive plan, added to existing uses.

19 (c) An analysis of how the demand for water that will result from
20 future growth projected in the comprehensive plan will be served by the water
21 supplies identified in subdivision (a) of this paragraph or a plan to obtain
22 additional necessary water supplies.

23 4. Planning for energy use that:

24 (a) Encourages and provides incentives for efficient use of energy.

25 (b) Identifies policies and practices for greater use of renewable
26 energy.

27 C. In addition to the other matters that are required or authorized
28 under this section and this article, for counties with a population of more
29 than two hundred thousand persons, the comprehensive plan shall include, and
30 for other counties the comprehensive plan may include:

31 1. Planning for open space acquisition and preservation. The open
32 space plan shall include:

33 (a) A comprehensive inventory of open space areas, recreational
34 resources and designations of access points to open space areas and
35 resources.

36 (b) An analysis of forecasted needs, policies for managing and
37 protecting open space areas and resources and implementation strategies to
38 acquire additional open space areas and further establish recreational
39 resources.

40 (c) Policies and implementation strategies designed to promote a
41 regional system of integrated open space and recreational resources and a
42 consideration of any existing regional open space plan.

43 2. Planning for growth areas, specifically identifying those areas, if
44 any, that are particularly suitable for planned multimodal transportation and
45 infrastructure expansion and improvements designed to support a planned

1 concentration of a variety of uses, such as residential, office, commercial,
2 tourism and industrial uses. The mixed use planning shall include policies
3 and implementation strategies that are designed to:

4 (a) Make automobile, transit and other multimodal circulation more
5 efficient, make infrastructure expansion more economical and provide for a
6 rational pattern of land development.

7 (b) Conserve significant natural resources and open areas in the
8 growth area and coordinate their location to similar areas outside the growth
9 area's boundaries.

10 (c) Promote the public and private construction of timely and
11 financially sound infrastructure expansion through the use of infrastructure
12 funding and financing planning that is coordinated with development activity.

13 3. An environmental planning element that contains analyses, policies
14 and strategies to address anticipated effects, if any, of plan elements on
15 air quality, water quality and natural resources associated with proposed
16 development under the comprehensive plan. The policies and strategies to be
17 developed under this element shall be designed to have countywide
18 applicability and shall not require the production of an additional
19 environmental impact statement or similar analysis beyond the requirements of
20 state and federal law.

21 4. A cost of development element that identifies policies and
22 strategies that the county will use to require development to pay its fair
23 share toward the cost of additional public facility needs generated by new
24 development, with appropriate exceptions when in the public interest. This
25 element shall include:

26 (a) A component that identifies various mechanisms that are allowed by
27 law and that can be used to fund and finance additional public services
28 necessary to serve the development, including bonding, special taxing
29 districts, development fees, in lieu fees and facility construction,
30 dedications and privatization.

31 (b) A component that identifies policies to ensure that any mechanisms
32 that are adopted by the county under this element result in a beneficial use
33 to the development, bear a reasonable relationship to the burden imposed on
34 the county to provide additional necessary public facilities to the
35 development and otherwise are imposed pursuant to law.

36 D. The water resources element of the comprehensive plan does not
37 require:

38 1. New independent hydrogeologic studies.

39 2. The county to be a water service provider.

40 E. In applying an open space element or a growth element of a
41 comprehensive plan, a county shall not designate private or state land as
42 open space, recreation, conservation or agriculture unless the county
43 receives the written consent of the landowner or provides an alternative,
44 economically viable designation in the comprehensive plan or zoning
45 ordinance, allowing at least one residential dwelling per acre. If the

landowner is the prevailing party in any action brought to enforce this subsection, a court shall award fees and other expenses to the landowner. Each county shall incorporate this subsection into its comprehensive plan and provide a process for a landowner to resolve discrepancies relating to this subsection.

F. The policies and strategies to be developed under these elements shall be designed to have regional applicability.

G. For counties with territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the commission shall also consider military airport or ancillary military facility operations and, on or before December 31, 2005, shall identify the boundaries of any high noise or accident potential zone as defined in section 28-8461 in its comprehensive plan for purposes of planning land uses in the high noise or accident potential zone that are compatible with the operation of the military airport or ancillary military facility pursuant to section 28-8481, subsection J.

Sec. 7. Section 11-805, Arizona Revised Statutes, as added by Laws 2010, chapter 244, section 7, is amended to read:

11-805. Comprehensive plan adoption; notice; hearing; amendment; expiration; readoption

A. The board shall adopt a comprehensive plan and subsequently amend or extend the adopted plan as provided by this article. On adoption or readoption, the plan, or any part of the plan, shall be the official guide for the development of the area of jurisdiction. Any change, amendment, extension or addition of the comprehensive plan may be made only pursuant to this chapter.

B. The board of supervisors shall:

1. Adopt written procedures to provide effective, early and continuous public participation in the development and major amendment of the comprehensive plan from all geographic, ethnic and economic areas of the county. The procedures shall provide for:

(a) The broad dissemination of proposals and alternatives.

(b) The opportunity for written comments.

(c) Public hearings after effective notice.

(d) Open discussions, communications programs and information services.

(e) Consideration of public comments.

2. Consult with, advise and provide an opportunity for official comment by public officials and agencies, municipalities, school districts, associations of governments, public land management agencies, the military airport if the county's area of jurisdiction includes territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property

owners and citizens generally to secure the maximum coordination of plans and to indicate properly located sites for all public purposes on the plan.

C. The commission shall confer with the state land department and the governing bodies and planning commissions of cities and towns in the county for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county, of zoning districts, of urban growth and of public improvements and utilities that do not begin and terminate within the boundaries of any single city or town and that will, pursuant to the present and future needs of the county, best promote with efficiency and economy the health, safety, morals, order, convenience or general welfare of the public.

D. The commission shall coordinate the production of the comprehensive plan with the creation of the conceptual state land use plans under title 37, chapter 2, article 5.1. The commission shall cooperate with the state land department regarding integrating the conceptual state land use plans into the comprehensive plan.

E. The commission may formulate and draft the comprehensive plan as a whole, or AS separate parts of the plan corresponding with functional divisions of the subject matter, and, subject to the limitations of this chapter, may amend, extend or add to the comprehensive plan.

F. At least sixty days before the comprehensive plan or an element or major amendment of a comprehensive plan is noticed pursuant to subsection G of this section, the commission shall transmit the proposal to the board of supervisors and submit a copy for review and further comment to:

1. Each municipality in the county.
2. Each other county that is contiguous to the county.
3. The regional planning agency in the county.
4. The department of commerce or any other state agency that is subsequently designated as the general planning agency for this state.
5. The department of water resources for review and comment on the water resources element, if a water resources element is required.
6. If the comprehensive plan or an element or amendment of the comprehensive plan is applicable to territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the military airport.
7. If the comprehensive plan or an element or major amendment of the comprehensive plan is applicable to property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in section 28-8461, the attorney general. For the purposes of this paragraph, "major amendment" means a substantial alteration of the county's land use mixture or balance as established in the county's existing comprehensive plan land use element for that area of the county.
8. Any person or entity that requests in writing to receive a review copy of the proposal.

1 G. After considering any recommendations from the review required
2 under subsection F of this section, the commission shall hold at least one
3 public hearing. Notice of the time and place of a hearing and availability
4 of studies and summaries related to the hearing shall be given at least
5 fifteen and not more than thirty calendar days before the hearing by:

6 1. Publication at least once in a newspaper of general circulation in
7 the county seat.

8 2. Publication at least once in a newspaper of general circulation in
9 the area to be affected, or adjacent to the area to be affected, if the area
10 affected is other than the county seat.

11 3. Such other manner in addition to publication as the county may deem
12 necessary or desirable.

13 H. After the commission recommends the comprehensive plan or any
14 section of the plan, the plan shall be submitted to the board of supervisors
15 for its consideration and official action.

16 I. Before the adoption, amendment or extension of the plan, the board
17 shall hold at least one public hearing on the plan. After the board
18 considers the commission's recommendation and any recommendations from the
19 review required under subsection F of this section, the board shall hold at
20 least one public hearing at which residents of the county shall be heard
21 concerning the matters contained in the plan. At least fifteen days' notice
22 of the hearing shall be given by one publication in a newspaper of general
23 circulation in the county seat. The board shall consider protests and
24 objections to the plan and may change or alter any portion of the
25 comprehensive plan. However, before any change is made, that portion of the
26 plan proposed to be changed shall be re-referred to the commission for its
27 recommendation, which may be accepted or rejected by the board.

28 J. The board of supervisors may adopt the county comprehensive plan as
29 a whole or by successive actions adopt separate parts of the plan. The
30 adoption or readoption of the comprehensive plan or any amendment to the plan
31 shall be by resolution of the board. The adoption or readoption of, or a
32 major amendment to, the county comprehensive plan shall be approved by the
33 affirmative vote of at least two-thirds of the members of the board. All
34 major amendments proposed for adoption to the comprehensive plan by the board
35 shall be presented at a single public hearing during the calendar year the
36 proposal is made. The adoption or readoption of the comprehensive plan, and
37 any major amendment to the comprehensive plan, shall not be enacted as an
38 emergency measure and is subject to referendum as provided by article IV,
39 part 1, section 1, subsection (8), Constitution of Arizona, and title 19,
40 chapter 1, article 4. For the purposes of this section, "major amendment"
41 means a substantial alteration of the county's land use mixture or balance as
42 established in the county's existing comprehensive plan land use element for
43 that area of the county. The county's comprehensive plan shall define the
44 criteria to determine if a proposed amendment to the comprehensive plan
45 effects a substantial alteration of the county's land use mixture or balance

1 as established in the county's existing comprehensive plan land use element
2 for that area of the county.

3 K. If the county's area of jurisdiction includes property in the high
4 noise or accident potential zone of a military airport or ancillary military
5 facility as defined in section 28-8461, the board shall send notice of the
6 approval, adoption or readoption of the comprehensive plan or major amendment
7 to the comprehensive plan to the attorney general by certified mail, return
8 receipt requested, within three business days after the approval, adoption or
9 readoption. If the attorney general determines the approval, adoption or
10 readoption of the comprehensive plan or major amendment to the comprehensive
11 plan is not in compliance with section 28-8481, subsection J, the attorney
12 general shall notify the county by certified mail, return receipt requested,
13 of the determination of noncompliance. The board shall receive the notice
14 from the attorney general within twenty-five days after the notice from the
15 board to the attorney general is mailed pursuant to this subsection. The
16 effective date of any approval, adoption or readoption of, or major amendment
17 to, the comprehensive plan shall be thirty days after the board's receipt of
18 the attorney general's determination of noncompliance. Within thirty days
19 after the receipt of a determination of noncompliance by the attorney general
20 as prescribed by this section, the board shall reconsider any approval,
21 adoption or readoption of, or major amendment to, the comprehensive plan that
22 impacts property in the high noise or accident potential zone of a military
23 airport or ancillary military facility as defined in section 28-8461. If the
24 board reaffirms a prior action subject to an attorney general's determination
25 of noncompliance pursuant to this section, the attorney general may institute
26 a civil action pursuant to section 28-8481, subsection L. If the board
27 timely sends notice pursuant to this subsection and the attorney general
28 fails to timely notify the board of a determination of noncompliance, the
29 comprehensive plan or major amendment to the comprehensive plan is deemed to
30 comply with section 28-8481, subsection J. For the purposes of this
31 subsection "major amendment" has the same meaning prescribed in subsection J
32 of this section.

33 L. If the motion to adopt or readopt the plan or an amendment to the
34 plan fails to pass, the board may reconsider the motion in any manner allowed
35 by the board's rules of procedure, but any subsequent motion for the adoption
36 or readoption of the plan or a major amendment to the plan must be approved
37 by an affirmative vote of at least two-thirds of the members of the board.
38 If the board fails to adopt or readopt the plan, the current plan remains in
39 effect until a new plan is adopted. The board shall either reconsider the
40 proposed plan or consider a revised plan within one year and shall continue
41 to do so until one is adopted. All subsequent considerations of a new or
42 revised plan must comply with the procedures prescribed by this article.

43 M. A county comprehensive plan, with any amendments, is effective for
44 up to ten years from the date the plan was initially adopted or until the
45 plan is readopted or a new plan is adopted pursuant to this subsection and

1 becomes effective. On or before the tenth anniversary of the plan's most
2 recent adoption, the board shall either readopt the existing plan for an
3 additional term of up to ten years or shall adopt a new comprehensive plan as
4 provided by this article.

5 N. A PERSON WHO IS AGGRIEVED BY A DECISION OF THE BOARD OF SUPERVISORS
6 FOR A VIOLATION OF THE NONDISCRETIONARY REQUIREMENTS PRESCRIBED IN SECTION
7 11-804, AFTER HAVING PARTICIPATED IN THE PUBLIC HEARING PURSUANT TO
8 SUBSECTION I OF THIS SECTION, MAY FILE A PETITION FOR SPECIAL ACTION IN
9 SUPERIOR COURT TO REVIEW THE BOARD'S DECISION WITHIN THIRTY DAYS AFTER THE
10 BOARD HAS RENDERED ITS DECISION. THE COURT MAY AFFIRM, MODIFY OR REVERSE, IN
11 WHOLE OR IN PART, THE DECISION REVIEWED.

12 Sec. 8. Title 11, Arizona Revised Statutes, is amended by adding
13 chapter 11, to read:

14 CHAPTER 11
15 COUNTY REGULATIONS ON BUSINESSES
16 ARTICLE 1. GENERAL PROVISIONS

17 11-1601. Definitions

18 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

19 1. "LICENSE" INCLUDES THE WHOLE OR PART OF ANY COUNTY PERMIT,
20 CERTIFICATE, APPROVAL, REGISTRATION, CHARTER OR SIMILAR FORM OF PERMISSION
21 REQUIRED BY LAW.

22 2. "LICENSING" INCLUDES THE COUNTY PROCESS RESPECTING THE GRANT,
23 DENIAL, RENEWAL, REVOCATION, SUSPENSION, ANNULMENT, WITHDRAWAL OR AMENDMENT
24 OF A LICENSE.

25 3. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
26 ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION,
27 OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

28 4. "SUBSTANTIVE POLICY STATEMENT" MEANS A WRITTEN EXPRESSION THAT IS
29 ONLY ADVISORY AND THAT INFORMS THE GENERAL PUBLIC OF A COUNTY'S CURRENT
30 APPROACH TO, OR OPINION OF, THE REQUIREMENTS OF THE ORDINANCES OR CODES,
31 INCLUDING, WHERE APPROPRIATE, THE COUNTY'S CURRENT PRACTICE, PROCEDURE OR
32 METHOD OF ACTION BASED ON THAT APPROACH OR OPINION. A SUBSTANTIVE POLICY
33 STATEMENT DOES NOT INCLUDE INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE
34 INTERNAL PROCEDURES OF THE COUNTY AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS
35 OR PENALTIES ON REGULATED PARTIES OR CONFIDENTIAL INFORMATION.

36 11-1602. Regulatory bill of rights

37 A. TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:

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

41 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS
42 AS PROVIDED IN SECTION 11-1603.

43 3. IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE
44 OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY
45 AUTHORIZED AS PROVIDED IN SECTION 11-1604.

1 4. IS ENTITLED TO HAVE A COUNTY NOT ADOPT AN ORDINANCE OR CODE UNDER A
2 SPECIFIC GRANT OF AUTHORITY THAT EXCEEDS THE SUBJECT MATTER AREAS LISTED IN
3 THE SPECIFIC GRANT OF AUTHORITY OR NOT ADOPT AN ORDINANCE OR CODE UNDER A
4 GENERAL GRANT OF AUTHORITY TO SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY
5 AS PROVIDED IN SECTION 11-1604.

6 5. MAY HAVE A COUNTY APPROVE OR DENY THE PERSON'S LICENSE APPLICATION
7 WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION 11-1605.

8 6. IS ENTITLED TO RECEIVE WRITTEN NOTICE FROM A COUNTY ON DENIAL OF A
9 LICENSE APPLICATION:

10 (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE ORDINANCE, CODE
11 OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS
12 PROVIDED IN SECTION 11-1605.

13 (b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS
14 PROVIDED IN SECTION 11-1605.

15 7. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE
16 APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A
17 LICENSE AS PROVIDED IN SECTION 11-1606.

18 8. MAY INSPECT ALL ORDINANCES AND SUBSTANTIVE POLICY STATEMENTS OF A
19 COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE COUNTY AS
20 PROVIDED IN SECTION 11-1607.

21 9. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID
22 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID
23 DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION
24 11-1604.

25 10. MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN
26 ORDINANCE, CODE OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH
27 THIS SECTION.

28 11-1603. Inspections: applicability

29 A. A COUNTY INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A
30 REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

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

32 2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE
33 INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

34 3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

35 4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE
36 OF THE REGULATED PERSON ACCOMPANY THE COUNTY INSPECTOR OR REGULATOR ON THE
37 PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

38 5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

39 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN BY THE COUNTY DURING THE
40 INSPECTION IF THE COUNTY IS PERMITTED BY LAW TO TAKE ORIGINAL DOCUMENTS.

41 (b) A SPLIT OF ANY SAMPLES TAKEN DURING THE INSPECTION IF THE SPLIT OF
42 ANY SAMPLES WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN
43 ANALYSIS INCONCLUSIVE.

44 (c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE
45 INSPECTION.

1 6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE COUNTY INSPECTOR OR
2 REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS
3 BEING TAPE RECORDED.

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

6 B. ON INITIATION OF AN INSPECTION OF ANY PREMISES OF A REGULATED
7 PERSON, A COUNTY INSPECTOR OR REGULATOR SHALL PROVIDE THE FOLLOWING IN
8 WRITING:

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

10 2. THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON AVAILABLE TO
11 ANSWER QUESTIONS REGARDING THE INSPECTION.

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

16 C. A COUNTY INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF THE
17 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE
18 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE
19 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ
20 THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE
21 REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S
22 INSPECTION AND DUE PROCESS RIGHTS. THE COUNTY SHALL MAINTAIN A COPY OF THIS
23 SIGNATURE WITH THE INSPECTION REPORT AND SHALL LEAVE A COPY WITH THE
24 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A
25 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT
26 THE SITE OR REFUSES TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS
27 SECTION, THE COUNTY INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE
28 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION.

29 D. A COUNTY THAT CONDUCTS AN INSPECTION SHALL GIVE A COPY OF THE
30 INSPECTION REPORT TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE
31 REGULATED PERSON EITHER:

32 1. AT THE TIME OF THE INSPECTION.

33 2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS
34 AFTER THE INSPECTION.

35 3. AS OTHERWISE REQUIRED BY FEDERAL LAW.

36 E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING
37 AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE COUNTY MAY PROVIDE THE
38 REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES UNLESS THE COUNTY
39 DETERMINES THAT THE DEFICIENCIES ARE:

40 1. COMMITTED INTENTIONALLY.

41 2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY
42 THE COUNTY.

43 3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.

44 4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE
45 ENVIRONMENT.

1 F. IF THE COUNTY ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO CORRECT
2 THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE REGULATED
3 PERSON SHALL NOTIFY THE COUNTY WHEN THE DEFICIENCIES HAVE BEEN CORRECTED.
4 WITHIN THIRTY DAYS OF RECEIPT OF NOTIFICATION FROM THE REGULATED PERSON THAT
5 THE DEFICIENCIES HAVE BEEN CORRECTED, THE COUNTY SHALL DETERMINE IF THE
6 REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND NOTIFY THE REGULATED PERSON
7 WHETHER OR NOT THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE. IF THE
8 REGULATED PERSON FAILS TO CORRECT THE DEFICIENCIES OR THE COUNTY DETERMINES
9 THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A REASONABLE PERIOD OF TIME,
10 THE COUNTY MAY TAKE ANY ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE
11 DEFICIENCIES.

12 G. A COUNTY DECISION PURSUANT TO SUBSECTION E OR F OF THIS SECTION IS
13 NOT AN APPEALABLE COUNTY ACTION.

14 H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION
15 A COUNTY SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE ON THE STATUS OF ANY
16 COUNTY ACTION RESULTING FROM AN INSPECTION OF THE REGULATED PERSON. A COUNTY
17 IS NOT REQUIRED TO PROVIDE AN UPDATE AFTER THE REGULATED PERSON IS NOTIFIED
18 THAT NO COUNTY ACTION WILL RESULT FROM THE COUNTY'S INSPECTION OR AFTER THE
19 COMPLETION OF COUNTY ACTION RESULTING FROM THE COUNTY'S INSPECTION.

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

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

25 1. TO CRIMINAL INVESTIGATIONS, INVESTIGATIONS UNDER TRIBAL-STATE
26 GAMING COMPACTS AND UNDERCOVER INVESTIGATIONS THAT ARE GENERALLY OR
27 SPECIFICALLY AUTHORIZED BY LAW.

28 2. IF THE INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO BELIEVE
29 THAT THE REGULATED PERSON MAY BE ENGAGED IN CRIMINAL ACTIVITY.

30 3. TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
31 ESTABLISHED BY SECTION 41-1821.

32 K. IF AN INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION OF THIS
33 SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE IN A
34 CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,
35 SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY
36 OF MORE THAN ONE THOUSAND DOLLARS.

37 L. FAILURE OF A COUNTY, BOARD OR COMMISSION EMPLOYEE TO COMPLY WITH
38 THIS SECTION:

39 1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO
40 SECTION 41-770.

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

43 M. A COUNTY MAY ADOPT RULES TO IMPLEMENT SUBSECTION A, PARAGRAPH 5 OF
44 THIS SECTION.

N. THIS SECTION SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.

11-1604. Prohibited acts by county

A. A COUNTY SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY AUTHORIZED BY STATUTE, RULE, ORDINANCE OR CODE. A GENERAL GRANT OF AUTHORITY DOES NOT CONSTITUTE A BASIS FOR IMPOSING A LICENSING REQUIREMENT OR CONDITION UNLESS THE AUTHORITY SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

B. A COUNTY SHALL NOT:

1. ADOPT AN ORDINANCE OR CODE UNDER A SPECIFIC GRANT OF AUTHORITY THAT EXCEEDS THE SUBJECT MATTER AREAS LISTED IN THE SPECIFIC GRANT OF AUTHORITY.

2. ADOPT AN ORDINANCE OR CODE UNDER A GENERAL GRANT OF AUTHORITY TO SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY.

C. UNLESS SPECIFICALLY AUTHORIZED, A COUNTY SHALL AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND SHALL AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

D. THIS SECTION DOES NOT PROHIBIT COUNTY FLEXIBILITY TO ISSUE LICENSES OR ADOPT ORDINANCES OR CODES.

11-1605. Licensing time frames; compliance; consequence for failure to comply with time frame; exemption

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

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

C. IN ESTABLISHING TIME FRAMES, COUNTIES SHALL CONSIDER ALL OF THE FOLLOWING:

1. THE COMPLEXITY OF THE LICENSING SUBJECT MATTER.
2. THE RESOURCES OF THE COUNTY.
3. THE ECONOMIC IMPACT OF DELAY ON THE REGULATED COMMUNITY.
4. THE IMPACT OF THE LICENSING DECISION ON PUBLIC HEALTH AND SAFETY.
5. THE POSSIBLE USE OF VOLUNTEERS WITH EXPERTISE IN THE SUBJECT MATTER AREA.
6. THE POSSIBLE INCREASED USE OF GENERAL LICENSES FOR SIMILAR TYPES OF LICENSED BUSINESSES OR FACILITIES.
7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE COUNTY AND THE REGULATED COMMUNITY.

1 8. INCREASED COUNTY FLEXIBILITY IN STRUCTURING THE LICENSING PROCESS
2 AND PERSONNEL.

3 D. A COUNTY SHALL ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
4 COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE WITHIN THE
5 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.

6 E. IF A COUNTY DETERMINES THAT AN APPLICATION FOR A LICENSE IS NOT
7 ADMINISTRATIVELY COMPLETE, THE COUNTY SHALL INCLUDE A COMPREHENSIVE LIST OF
8 THE SPECIFIC DEFICIENCIES IN THE WRITTEN NOTICE PROVIDED PURSUANT TO
9 SUBSECTION D. IF THE COUNTY ISSUES A WRITTEN NOTICE OF DEFICIENCIES WITHIN
10 THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE ADMINISTRATIVE COMPLETENESS
11 REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE
12 NOTICE IS ISSUED UNTIL THE DATE THAT THE COUNTY RECEIVES THE MISSING
13 INFORMATION FROM THE APPLICANT.

14 F. IF A COUNTY DOES NOT ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
15 COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW
16 TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE. IF A COUNTY
17 ISSUES A TIMELY WRITTEN NOTICE OF DEFICIENCIES, AN APPLICATION SHALL NOT BE
18 COMPLETE UNTIL ALL REQUESTED INFORMATION HAS BEEN RECEIVED BY THE COUNTY.

19 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A COUNTY MAY MAKE ONE
20 COMPREHENSIVE WRITTEN REQUEST FOR ADDITIONAL INFORMATION. THE COUNTY AND
21 APPLICANT MAY MUTUALLY AGREE IN WRITING TO ALLOW THE COUNTY TO SUBMIT
22 SUPPLEMENTAL REQUESTS FOR ADDITIONAL INFORMATION. IF A COUNTY ISSUES A
23 COMPREHENSIVE WRITTEN REQUEST OR A SUPPLEMENTAL REQUEST BY MUTUAL WRITTEN
24 AGREEMENT FOR ADDITIONAL INFORMATION, THE SUBSTANTIVE REVIEW TIME FRAME AND
25 THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE REQUEST IS ISSUED
26 UNTIL THE DATE THAT THE COUNTY RECEIVES THE ADDITIONAL INFORMATION FROM THE
27 APPLICANT.

28 H. BY MUTUAL WRITTEN AGREEMENT, A COUNTY AND AN APPLICANT FOR A
29 LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME
30 FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL
31 TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL TIME FRAME.

32 I. UNLESS A COUNTY AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE TO
33 EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME PURSUANT
34 TO SUBSECTION H, A COUNTY SHALL ISSUE A WRITTEN NOTICE GRANTING OR DENYING A
35 LICENSE TO AN APPLICANT. IF A COUNTY DENIES AN APPLICATION FOR A LICENSE,
36 THE COUNTY SHALL INCLUDE IN THE WRITTEN NOTICE AT LEAST THE FOLLOWING
37 INFORMATION:

38 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES OR
39 ORDINANCES ON WHICH THE DENIAL IS BASED.

40 2. AN EXPLANATION OF THE APPLICANT'S RIGHT TO APPEAL THE DENIAL. THE
41 EXPLANATION SHALL INCLUDE THE NUMBER OF DAYS IN WHICH THE APPLICANT MUST FILE
42 A PROTEST CHALLENGING THE DENIAL AND THE NAME AND TELEPHONE NUMBER OF A
43 COUNTY CONTACT PERSON WHO CAN ANSWER QUESTIONS REGARDING THE APPEALS PROCESS.

44 J. IF A COUNTY DOES NOT ISSUE TO THE APPLICANT THE WRITTEN NOTICE
45 GRANTING OR DENYING A LICENSE WITHIN THE OVERALL TIME FRAME OR WITHIN THE

MUTUALLY AGREED UPON TIME FRAME EXTENSION, THE COUNTY SHALL REFUND TO THE APPLICANT ALL FEES CHARGED FOR REVIEWING AND ACTING ON THE APPLICATION FOR THE LICENSE AND SHALL EXCUSE PAYMENT OF ANY FEES THAT HAVE NOT YET BEEN PAID. THE COUNTY SHALL NOT REQUIRE AN APPLICANT TO SUBMIT AN APPLICATION FOR A REFUND PURSUANT TO THIS SUBSECTION. THE REFUND SHALL BE MADE WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE OVERALL TIME FRAME OR THE TIME FRAME EXTENSION. THE COUNTY SHALL CONTINUE TO PROCESS THE APPLICATION. NOTWITHSTANDING ANY OTHER STATUTE, THE COUNTY SHALL MAKE THE REFUND FROM THE FUND IN WHICH THE APPLICATION FEES WERE ORIGINALLY DEPOSITED.

K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN DAYS AFTER RECEIPT OF INITIAL APPLICATION.

11-1606. License application process

A COUNTY THAT ISSUES LICENSES SHALL PROVIDE THE FOLLOWING INFORMATION TO AN APPLICANT AT THE TIME THE APPLICANT OBTAINS AN APPLICATION FOR A LICENSE:

1. A LIST OF ALL OF THE STEPS THE APPLICANT IS REQUIRED TO TAKE IN ORDER TO OBTAIN THE LICENSE.
2. THE APPLICABLE LICENSING TIME FRAMES.
3. THE NAME AND TELEPHONE NUMBER OF A COUNTY CONTACT PERSON WHO CAN ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

11-1607. Directory of documents

THE COUNTY SHALL PUBLISH, OR PROMINENTLY PLACE ON THE COUNTY WEBSITE, AT LEAST ANNUALLY A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL CURRENTLY APPLICABLE ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS. THE COUNTY SHALL KEEP COPIES OF THIS DIRECTORY AND ALL SUBSTANTIVE POLICY STATEMENTS AT ONE LOCATION. THE DIRECTORY, ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS INCORPORATED BY REFERENCE IN THESE DOCUMENTS SHALL BE OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE COUNTY.

11-1608. Complaints; board of supervisor review

A. THE BOARD OF SUPERVISORS SHALL RECEIVE COMPLAINTS CONCERNING ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS OR COUNTY PRACTICES ALLEGED TO VIOLATE THIS ARTICLE. THE BOARD OF SUPERVISORS MAY REVIEW ANY ORDINANCE, CODE, SUBSTANTIVE POLICY STATEMENT OR COUNTY PRACTICE ALLEGED TO VIOLATE THIS ARTICLE AND MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE BOARD OF SUPERVISORS MAY RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS OR COUNTY PRACTICES ALLEGED TO VIOLATE THIS ARTICLE.

Sec. 9. Section 12-348, Arizona Revised Statutes, is amended to read:

12-348. Award of fees and other expenses against the state or a city, town or county; reduction or denial of award; application; basis for amount of award; source of award; definitions

A. In addition to any costs ~~which~~ THAT are awarded as prescribed by statute, a court shall award fees and other expenses to any party other than

1 this state or a city, town or county ~~which~~ THAT prevails by an adjudication
2 on the merits in any of the following:

3 1. A civil action brought by the state or a city, town or county
4 against the party.

5 2. A court proceeding to review a state agency decision pursuant to
6 chapter 7, article 6 of this title or any other statute authorizing judicial
7 review of agency, CITY, TOWN OR COUNTY decisions.

8 3. A proceeding pursuant to section 41-1034.

9 4. A special action proceeding brought by the party to challenge an
10 action by ~~the~~ THIS state OR A CITY, TOWN OR COUNTY against the party.

11 5. An appeal by ~~the~~ THIS state to a court of law from a decision of
12 the personnel board under title 41, chapter 4, article 6.

13 6. A civil action brought by the party to challenge the seizure and
14 sale of personal property by ~~the~~ THIS state or a city, town or county.

15 B. In addition to any costs ~~which~~ THAT are awarded as prescribed by
16 statute, a court may award fees and other expenses to any party, other than
17 this state or a city, town or county, ~~which~~ THAT prevails by an adjudication
18 on the merits in an action brought by the party against this state or a city,
19 town or county challenging:

20 1. The assessment or collection of taxes or in an action brought by
21 this state or a city, town or county against the party to enforce the
22 assessment or collection of taxes.

23 2. The adequacy or regularity of notice of delinquent taxes.

24 3. The regularity of sales of property for delinquent taxes.

25 C. The court in its discretion may deny the award provided for in this
26 section or may reduce the award if it finds that any of the following
27 applies:

28 1. During the course of the proceeding the prevailing party unduly and
29 unreasonably protracted the final resolution of the matter.

30 2. The reason that the party other than ~~the~~ THIS state or a city, town
31 or county has prevailed is an intervening change in the applicable law.

32 3. The prevailing party refused an offer of civil settlement ~~which~~
33 THAT was at least as favorable to the party as the relief ultimately granted.

34 D. A party may apply pursuant to the applicable procedural rules for
35 an award of attorney fees and other expenses authorized under this section
36 and shall include as part of the application evidence of the party's
37 eligibility for the award and the amount sought, including an itemized
38 statement from the attorneys and experts stating the actual time expended in
39 representing the party and the rate at which the fees were computed.

40 E. The court shall base any award of fees as provided in this section
41 on prevailing market rates for the kind and quality of the services
42 furnished, except that:

43 1. An expert is not eligible for compensation at a rate in excess of
44 the highest rate of compensation for experts paid by this state or a city,
45 town or county.

2. Except for awards made pursuant to subsection B of this section, the award of attorney fees may not exceed the amount ~~which~~ **THAT** the prevailing party has paid or has agreed to pay the attorney or a maximum amount of seventy-five dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceeding involved, justifies a higher fee.

3. For awards made pursuant to subsection B of this section, the award of attorney fees may not exceed the amount ~~which~~ **THAT** the prevailing party has paid or agreed to pay the attorney or a maximum amount of one hundred seventy-five dollars per hour.

4. Except for awards made pursuant to subsection B of this section, an award of fees against a city, town or county as provided in this section shall not exceed ten thousand dollars.

5. For awards made pursuant to subsection B of this section, an award of fees against ~~the~~ **THIS** state or a city, town or county shall not exceed thirty thousand dollars for fees incurred at each level of judicial appeal.

F. The particular state agency over which a party prevails shall pay the fees and expenses awarded as provided in this section from any monies appropriated to the agency for that purpose. If no agency is involved or if an agency fails or refuses to pay fees and other expenses within thirty days after demand by a person who has received an award pursuant to this section, and if no further review or appeals of the award are pending, the person may file a claim for the fees and other expenses with the department of administration, which shall pay the claim within thirty days, in the same manner as an uninsured property loss under title 41, chapter 3.1, article 1. If, at the time the agency failed or refused to pay the award, it had appropriated monies either designated or assignable for the purpose of paying awards, the legislature shall reduce the agency's operating appropriation for the following year by the amount of the award and shall appropriate the amount of the reduction to the department of administration as reimbursement for the loss.

G. A city, town or county shall pay fees and expenses awarded as provided in this section within thirty days after demand by a party who has received an award if no further review or appeal of the award is pending.

H. This section does not:

1. Apply to an action arising from a proceeding before this state or a city, town or county in which the role of this state or a city, town or county was to determine the eligibility or entitlement of an individual to a monetary benefit or its equivalent, to adjudicate a dispute or issue between private parties or to establish or fix a rate.

2. Apply to proceedings brought by this state pursuant to title 13 or 28.

1 3. Entitle a party to obtain fees and other expenses incurred in
2 making an application for an award pursuant to this section for fees and
3 other expenses.

4 4. Apply to proceedings involving eminent domain, foreclosure,
5 collection of judgment debts or proceedings in which the state or a city,
6 town or county is a nominal party.

7 5. Personally obligate any officer or employee of this state or a
8 city, town or county for the payment of an award entered under this section.

9 6. Apply, except as provided in subsection A, paragraph 5 of this
10 section, to proceedings involving the personnel board under title 41, chapter
11 4, article 6.

12 7. Apply to proceedings brought by a city, town or county pursuant to
13 title 13 or 28.

14 8. Apply to proceedings brought by a city, town or county on
15 collection of taxes or pursuant to traffic ordinances or to criminal
16 proceedings brought by a city, town or county on ordinances which contain a
17 criminal penalty or fine for violations of those ordinances.

18 I. ~~As used in~~ FOR THE PURPOSES OF this section:

19 1. "Fees and other expenses" means the reasonable expenses of expert
20 witnesses, the reasonable cost of any study, analysis, engineering report,
21 test or project which the court finds to be directly related to and necessary
22 for the presentation of the party's case and reasonable and necessary
23 attorney fees, and in the case of an action to review an agency decision
24 pursuant to subsection A, paragraph 2 of this section, all fees and other
25 expenses that are incurred in the contested case proceedings in which the
26 decision was rendered.

27 2. "Party" means an individual, partnership, corporation, association
28 or public or private organization.

29 3. "State" means this state and any agency, officer, department, board
30 or commission of this state.

31 Sec. 10. Effective dates

32 A. Sections 11-801, 11-804 and 11-805, Arizona Revised Statutes, as
33 added by Laws 2010, chapter 244, section 7 and as amended by this act, are
34 effective from and after September 30, 2011.

35 B. Sections 9-833 and 11-1603, Arizona Revised Statutes, as added by
36 this act, are effective from and after December 31, 2011.